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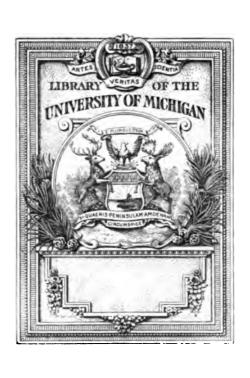
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HISTORY

OF

POOR RELIEF LEGISLATION

IN

PENNSYLVANIA

1682-1913

BY

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SOMETIME ASSISTANT IN HISTORY IN THE

UNIVERSITY OF PENNSYLVANIA.

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL

OF THE UNIVERSITY OF PENNSYLVANIA IN PARTIAL

FULFILMENT OF THE REQUIREMENTS FOR THE

DEGREE OF DOCTOR OF PHILOSOPHY,



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HOLZAPFEL PUBLISHING COMPANY
CLEONA, PA.

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TO
ELLA SELTZER-HEFFNER
IN
GRATEFUL MEMORY



PREFACE.

The poor relief legislation of Pennsylvania divides itself into two parts; that preceding the establishment of the County System, and that under it. The former is largely non-institutional; the latter institutional. While the year 1798 marks the introduction of the County Institutional System, the Institutional System, however, began much earlier, just as the non-institutional has perpetuated itself in certain parts of the state even to the present. A sharp dividing line is practically impossible.

In the preparation of this legal social history the author had in view the general reader rather than the legal practitioner, and the absence of legal technique and phraseology may be disappointing to the latter. The footnote references are to specific acts selected out of a multitude and serve also as an index to the important documents and works consulted in its preparation.

The author's thanks are due the Departments of of Sociology and History in the University of Pennsylvania for their assistance, encouragement and valuable suggestions; especially to Professors Carl Kelsey and J. P. Lichtenberger for their special criticisms and helpful suggestions in the final revision of the manuscript as well as reading the proofs; to the Pennsylvania Historical Society for permission to examine the valuable documen-

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tary material in its possession and to its attendants for their courtesies.

WILLIAM CLINTON HEFFNER.

Philadelphia, Pa., September, 1913.

Note: The word district as used in this treatise means, a township, borough, or any other territorial or municipal division in which officers are charged with the relief and support of the poor.



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ERRATA.

Page 36, footnote 1, read Vol. I after Assembly.

- " 64, line 10, read until for nntil.
- " 67, footnote 2, read February 14 for 4.
- '' 63, line 9, read for agriculture instead of to agriculture.
- " 99, footnote 2, read pages 78 and 79 for 68 and 69.
- " 107, line 27, read represented for represent.
- ' 161, line 4, read county for country.
- " 162, footnote 1, read P. L. for Ibid.
- " 163, line 2, read 1761 for 1752.
- '' 165, line 23, read aldermen for alderman.
- " 177, line 17, read could not for cannot.
- " 202, footnote 3, read as follows:
- 3. This system is also known as the 'Monitorial System of Bell and Lancaster.' The latter gave it its definite form, whereby by the use of a few conduct monitors and a sufficient number of teaching monitors drawn from the more advanced pupils, and a detail of system, organization and method, it was possible for one teacher to control as many as one thousand boys in one school room. It was a saver of expense and made possible some general attention to public education.

Page 227, line 11, read maintenance for mainteance.

- " 247, footnote 1, for *lbid* reference see footnote 1, page 246.
- " 263, line 17, read them for it.
- " 275, line 22, read sanatorium for sanitarium.
- " 282, line 11 and page 286 line 31 read Mothers' Pension Bill for Mother Pension Bill.
- " 286, line 31, read depends for depend.



Chapter 1.

English Background.

ENNSYLVANIA was founded by men the majority of whom were of the English branch of the Teutonic race. Their language as well as their social and political usages were those of Great

Britain. For a century or more, despite changing conditions, they were an integral part of the empire, during which time the mother country's characteristic traits of thought were impressed indelibly upon them. They always claimed to be "big with the privileges of Englishmen." Their institutions were English in character except as modified by royal charter and the circumstances that attended their transplanting to a new country. Colonial statutes, therefore, were chiefly transcripts of English legislation that preceded the founding of the respective colonies. (1)

The breaking up of the Mediaeval system and the introduction of the modern constitutes a period in English History, marked by political and social upheavals. Scarcely had the people begun to adapt themselves to a new situation when they were thrown into convulsions by another. First came the new type of intellectual life known as

See also, Charter and Laws, p. 414.

^{1.} Cf. Stevens—Sources of the Constitution of the United States, cap. I.

"The Renaissance." This was followed by a stronger royal government that culminated in English absolutism under the Tudors and the Stuarts. About the middle of the Tudor regime came the Protestant Reformation whose influence on all subsequent history was most profound and far-reach-As a result, English society was thrown into a chaotic condition. The conversion of large tracts of land from an agricultural to a grazing use and the change of the location of industries from the country to the towns and cities necessitated not only an extensive shifting of the population, but also a change of vocation for a large portion of the population. The seizure and confiscation of the property of the monasteries by Henry VIII and the breaking up of the trade gilds, together with the loss of nearly all their powers, seriously aggravated the situation. Socially and industrially country was in a wretched condition. An army of beggars and vagrants, increasing with every change, swarmed everywhere. (1) A century of legislation was necessary to restore normal conditions.

The series of measures which contain the fundamentals of the Pennsylvania Poor Law begins with 22 Henry VIII, cap. XII, and ends with 11 William, cap. XVIII. Their object was the remedying of conditions inherited from the previous reigns. In the light of Twentieth Century Civilization

^{1.} Cheyney—Social and Industrial History of England, pp. 136-160.

See also, Traill—Social England, Vol. III, caps. X, XI & XII. Especially pp. 728-788.

ENGLISH BACKGROUND

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they appear unduly harsh and oppressive. 22 Henry VIII, cap. XII, aimed to check vagrancy and idleness, "the mother and root of all vices, whereby . . . daily insurgeth and springeth, continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the unquietation and damage of the king's people, and to the marvellous disturbances of the commonwealth."(1) It provided. First, That justices of the peace should issue licenses to the impotent poor to beg within certain limits or places; Second, That any impotent poor person who begged without such license was to be whipped, or set in the stocks for three days with nothing but bread and water; Third, That able-bodied beggars be tied to the end of a cart, driven through town and severely whipped; Fourth, That scholars and students of the universities who went about begging without a license, or engaged in necromancy and soothsaying should be scourged on two successive days, with the pillory and the loss of an ear for a second offence, and Fifth, That any interference in the execution of the act was to be punished by a forfeit of one hundred shillings and imprisonment at the king's will. (2) The 27 Henry VIII, cap. XXV, was passed to supply a deficiency in the previous act, viz: that sturdy vagabonds and valiant beggars " be set and kept to continual labour in such wise as they may get their own living with

^{1.} Nicholls-History of the English Poor Law, Vol. I, cap. III, p. 115.

^{2.} Ibid, pp. 115-19.

the continual labour of their own hands."(1) The object of this type of legislation, undoubtedly, was to "so regulate mendicancy as to deprive it of its evil consequences."(2) Neither contained any provision for sustaining the weak, nor for helping the strong to find employment. Consequently they were foredoomed to failure.

Before examining 43 Elizabeth, cap. II, we must note, in passing, a few minor acts. The first is 5 Elizabeth, cap. IV, commonly known as the 'Statute of Laborers.' It prescribed compulsory service as well as fixed the rate of wages for all persons not over a certain age and who did not have above forty shillings per annum. The next two are 14 Elizabeth, cap. V, and 18 Elizabeth, cap. III, which directed that severe whippings be inflicted upon all sturdy beggars, rogues and vagabonds and then committed to houses of correction. Idle youths and other needy poor persons were to be sent to the workhouses and set to work. Other sections provided for the appointment of overseers, governors of the poor and wardens and censors of the houses of correction. These acts, on the one hand, grapple vigorously with the evils of vagrancy and idleness, and on the other, disclose a more comprehensive view of English poor relief administration.(3) They evidently failed in their purpose because 39 Elizabeth, cap. V, in large measure re-en-

^{1.} Nicholls—History of the English Poor Law, Vol. I cap. III, p. 121.

^{2.} Ibid, p. 119.

^{3.} Ibid, cap. IV, pp. 162-172

acted the severe repressive provisions of 22 Henry VIII, cap. XII. While these two measures distinguish between the real poor and the sturdy beggars, the idle and the vicious, yet the system was incomplete, inadequate and unable to cope successfully with existing conditions.(1)

The 43d Elizabeth, cap. II, is the real foundation of the English Poor Law. It is without a preamble and proceeds at once with the objects it seeks to accomplish. It directs that four, three, or two substantial householders should be appointed in every parish by two justices of the peace who, together with the churchwardens, are to constitute a board of overseers for the poor. By taxation they are to raise such sums as they think proper to relieve the lame, impotent, old, blind and such other poor who are not able to work and to provide a stock of flax, hemp, wool, thread, iron and other stuff in order to set to work the married and unmarried as well as all children who have no means to keep and maintain themselves. They were also required to render to the justices yearly accounts of all sums of money received and expended, stock on hand and other matters pertaining to their office. The provisions of 39 Elizabeth, cap. III, which made parents and children mutually liable for each others' support were extended to the grandparents whereever and whenever they were sufficiently able-Poor children whose parents were unable to support them were to be bound out as apprentices by the

^{1.} Nicholls—History of the English Poor Law, Vol. I, Cf. cap. IV.

overseers. In case of need, neighboring parishes could be called on for aid. Justices of the peace were empowered to commit to the house of correction, or to the common gaol, all who failed to perform the work assigned them by the overseers, as well as issue a warrant of distress for recovering unpaid assessments, and in case of default, commit the offender to prison until all arrearages shall be paid. If any one felt aggrieved, he was allowed an appeal to the justices at their general quarter sessions who were to make such orders therein as they deemed advisable. (1)

These are the chief provisions of this important act. It was drawn upon "the sure ground of experience," and stands in a class by itself.(2) It provided means for relief and a method of administration, but lacked a settlement provision. This was supplied by 14 Charles II, cap. XII, usually called the "Settlement Act."(3) It begins with a declaration that the increase of the poor and of vagabondage is due to defects in the law of settlement. Then follows the provision that upon complaint made within forty days, any one who settled in a tenement under £10 yearly value was to be removed to such parish where he, she, or they were last legally settled with a provision for an appeal to the quarter sessions, if he felt aggrieved. The remaining pro-

^{1.} Nicholls—History of the English Poor Law, Vol. I, pp. 194-198. For the full text of this important statute see, Revised Statutes, Vol. I., pp. 546-551.

^{2.} Ibid, p. 197.

^{3.} Ibid, p. 293 et sequor.

visions related to the workhouses. The 1st James II, cap. XVII, continued this act for seven years. (1) In order to prevent concealment the third section required every one on entering another parish to give the date of entrance so that the forty days could be computed therefrom. (2) These acts operated very harshly upon the industrious laborer who sought to improve his condition by moving into another parish. He was liable to be seized and sent back on the ground that he was likely to become chargeable. It subjected the laboring classes to a species of bondage by fastening upon them "the immobility of labor."

The steps by which a compulsory assessment was established were—license to beg within certain limits—required contributions from parishes, etc.,—collections on Sundays by collectors accompanied with weekly contributions and an admonition for the obstinate by the minister, etc. Thus the way was prepared for the general assessment of the 14th and the 39th, and the universal assessment of the 43d Elizabeth. The latter became the chief source of revenue for poor relief. A supplementary source of income was that derived from fines and penalties imposed for violations of trade regulations and for the failures of officials to perform their duties promptly and efficiently. The usual words of the acts were, half the penalty to go to the in-

l. Nicholls—History of the English Poor Law, Vol. I, p. 329.

^{2.} Ibid, p. 329 et sequor.

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former, the other half to the poor of the parish.(1)

This completes the resume of English Poor Relief Legislation prior to and during the early colonization of America. The statutes relating to repression of vagrancy, etc., by severe whippings and employment in houses of correction; the protecting of laborers; the appointing of overseers, collectors and censors in behalf of the poor; the regulation of settlement; the laying of rates of assessments and the imposition of fines and penalties are all embodied in some form or other in Pennsylvania's Poor Relief Legislation. It was the English Poor Law with such alterations as were necessary to cope with American conditions.

1. Nicholls-History of the English Poor Law, Vol. I, p. 398.



Chapter II.

Early Legislation in Pennsylvania.

Three nationalities contended for the possession of the Delaware. The Dutch were its first discoverers as well as the first to establish settlements. In 1623 they founded Fort Nassau at what is now Gloucester, New Jersey, and eight years later Swaanendael at or near the present town of Lewes, Delaware. The Swedes made their first settlement on the Minquas where in 1648 they erected Fort Christina at what is now Wilmington in the same state. Subsequent settlements were effected at Upland, now Chester, Tinicum and Wicaco. company of New Englanders began a settlement near what is now Salem, New Jersey, but the Dutch quickly captured the settlers and took them prisoners to New Amsterdam. During the year 1655 the Swedish settlements were also conquered by the Dutch who remained masters of the Delaware until 1664 when the entire region fell into the hands of the English.(1)

In 1665 Governor Nicolls and a convention of New York settlers drew up and put in force a systematic, wise and humane code of laws, known as "The Duke's Laws." Primarily, it was intended

Thwaites—The Colonies, pp. 203-210.
 Hart—Contemporaries, Vol. I, Nos 150 and 151.
 Lodge—Short History of the English Colonies in America, pp. 205-210.

Sypher-History of Pennsylvania, pp. 1-16.

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for the province of New York only, but on its completion it was extended to the whole of the Duke's dominions in America. Consequently, the Swedish and the Dutch institutions on the Delaware were supplanted by the English. Whatever opposition was encountered thereby disappeared quietly, because the Dutch were a negligible quantity while the Swedes adapted themselves quickly to new conditions. The settlements now entered upon a period of peace and quietness.(1)

The Duke's Laws provided for the election of eight overseers, "by the plurality of voyces of the freeholders in each town," and, "confirmation by the Justices of the Peace," who, with the churchwardens, had charge of the parish, not only of poor matters, but of affairs in general.(2) They possessed legislative and judicial authority, and in the absence of the constable, executive also. With the exception of the governor, they were the most important functionaries in the government.(3) The "distracted persons" of the Laws whose condition "may prove of publique Concerne," were their especial charge.(4) Being a little autocracy they could call into requisition almost any means whatsoever for their relief. These are the only provisions in the Laws relating to poor relief, and consequently the overseers were left to administer

^{1.} Hart-Contemporaries, Vol I, Nos. 150 and 151.

^{2.} Charter and Laws, p. 44.

^{3.} Bolles-Pennsylvania: Province and State, Vol. II, pp. 261 and 265.

^{4.} Charter and Laws, p. 58.

affairs with a rather free hand until the region was granted to Penn in 1681.

Previous to this, Quakers had made settlements at various places along the Delaware. Scattered among them were the Swedes whose settlements extended from a point just south of Philadelphia to New Castle in Delaware.(1) The exact number of settlers in the district was not known, but when Charles II signed the Great Charter at Westminster, March 4, 1681, they all passed quietly under the "absolute proprietor of all that tract of land and province now called Pennsylvania."(2) "The Duke of Yorke's Laws" were superseded by the charter and hereafter in accordance with section VII, "a transcript, or duplicate of all laws made and published within the said province, shall within five years after the making thereof be transmitted and delivered to the Privy Council," for allowance or disallowance. Laws not disallowed within the allotted six months were "to remain and stand in full force according to the true intent and meaning thereof."(3)

On July 11, 1681, Penn published his "concessions" to prospective purchasers of land in his province of Pennsylvania. To stimulate immigration he offered, in addition to the regular purchase, fifty acres additional for every servant a master

- 1. Hart-Contemporaries, Vol. I, Nos. 150 and 151.
- 2. Proud-History of Pennsylvania, Vol. I, p. 170.
- 3. Poore—Charters and Constitutions, Pt. II, p. 1511. Proud—History of Pennsylvania, Vol. I, pp. 177-178. Charter and Laws, pp. 84-85.

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brought over and fifty acres to the servant at the expiration of his service. The concessions were translated into different languages and distributed extensively throughout Western Europe. (1)

The grant of fifty acres to a servant at the expiration of his time of service was not merely the holding out of a prospect of becoming a freeholder for faithful service, but also the establishing of a close attachment between servants and their masters; for, a little further on, a provision was inserted whose object was to prevent the introduction of unattached servants. "That all ship-masters shall give an account of their countries, names, ships, owners, freights and passengers, to an officer appointed for that purpose, which shall be registered within two days after their arrival, and if they shall refuse so to do, that then none presume to trade with them, upon forfeiture thereof; and that such masters be looked upon as having an evil intention to the province."(2) The wisdom of these provisions will be seen when we come to consider poor relief legislation in relation to Redemptioners and Indentured Servants.

Early in the year 1682 Penn published his Frame of Government and certain laws agreed upon in

Hazzard-Annals of Pennsylvania, p. 510.

Poore-Charters and Constitutions, Pt. II. p. 1517.

2. Charter and Laws, p. 519.

Proud—History of Pennsylvania, Vol. II, Appendix I, p. 4, section 19.

^{1.} Proud—History of Pennsylvania, Vol. I, p. 192. Also Vol. II, Appendix, pp. 1-5.

England between the Governor and the Freemen of the province. It vested the government in a governor, a council and an assembly of the freemen. The laws passed were to bear the title, "By the Governor, with the assent and approbation of the freemen in provincial Council and Assembly."(1) The Thirteenth Article provided for a division of the Council into four committees among which was one on justice and safety and another on manners, education and arts.(2) To these fell the charitable affairs of the province.

Among the laws agreed upon in England that dealt with social problems are the following: that prisons should be workhouses for felons, vagrants and loose and idle persons, of which each county was to have one: that all prisoners should be bailable except in case of capital offences: that prisons should be free as to fees, food and lodging: that wrongful imprisonment should subject the informer or prosecutor to double damages: that all lands and goods of felons be liable to make satisfaction to the injured party, and for the want of such, they were to be imprisoned until the injured party was satisfied: that a register for births, marriages, burials, etc. be kept and also one for all servants showing their time, wages and days of payment: that no servant be kept longer than his time: that faithful

^{1.} Charter and Laws, p. 97.

Poore-Charters and Constitutions, Pt. II, p. 1522.

Proud—History of Pennsylvania, Vol. II, Appendix II, p. 12.

^{2.} Ibid.

ones receive kind treatment and be "put in equipage" at the expiration of their time, "according to custom,"(1) and that children from the age of twelve up "be taught some useful trade or skill, to the end, that none may be idle, but the poor may work to live and the rich, if they become poor, may not want."(2) This legislation is of exceptional importance, first, because it shows what measures were employed to prevent poverty, and, second, because it points out the fundamental causes that produced the social conditions which later became the source of all subsequent poor relief legislation. Imprisonment for debt, the servant problem and the forced importation of criminal, idle and dissolute persons were the three most fruitful sources of pauperism in the colony.

The assembly which Penn called to meet at Chester, December 7, 1682, passed what is known as "The Great Law," or "The Body of Laws." It comprised some sixty brief enactments among which were those pertaining to the registration of marriages, births, burials, etc., as well as of servants; the humane treatment of prisoners; making prisons workhouses for felons, vagrants and idle

1. "According to custom" meant the customary outfit which every master was required to give to an indentured servant at the expiration of his term of service.

See below, cap. III, note on p. 44.

2. Charter and Laws, pp. 100-102.

Proud—History of Pennsylvania, Vol. II, Appendix II, pp. 16-18.

Poore-Charters and Constitutions, Pt. II, pp. 1524-1525.

persons and imposing double damages for false imprisonment.(1) The Thirty-Second Law dealt with poor relief proper and provided, "That if any person or persons fell into decay or poverty, and not able to maintain themselves and children with their honest Endeavors, or shall die and leave poor orphans, that upon complaint made to the next Justices of the peace of the same County, The said Justices, finding the complaint to be true, shall make provision for them, in such way as they shall see convenient, till the next County Court, and that then Care be taken for their future comfortable subsistence."(2)

With a checkered career this statute remained in force until 1705 when it was superseded by a new and more elaborate one.

The Assembly of 1683 re-enacted the Twenty-Eighth Law agreed upon in England relating to the education of children, especially, industrially, with an added proviso that placed them in charge of the County Court. By this and the above act the poor became the charge of the courts. While there is no conclusive evidence to what subalterns the duty of closer supervision was assigned, yet it is quite likely that it was either to the churchwardens, or to the overseers of the highways, or to both, in whose charge they evidently were in the year 1700.(3)

- 1. Charter and Laws, pp. 115-122.
- 2. Ibid, p. 115.
- 3. Colonial Records, Vol. II, p. 9.

The practice of requiring supervisors of the highways to

At the sessions of this same assembly was also passed what may be called the "First Settlement Act."(1) It is number one hundred and thirty-four in the "Body." In accordance with its provisions an unknown person had to provide himself with a pass or certificate under the seal of the county on going into another county which had to be renewed for every other county he entered. All persons found without such a pass were to be apprehended and sent to the place from which they came at their own expense. A stranger from any other province had to provide himself with the pass of that province, otherwise he was to be apprehended and committed to the workhouse, there to await the arrival of the person or persons to whom he was responsible, who could obtain his release on the payment of the expenses incurred. A servant's residence was that of his or her master or mistress. This law served a two-fold purpose, first as a determinant of residence and, second, as an authority for apprehending and identifying runaway servants. Another series of laws forbade selling to, or bargaining with servants; disposing of them without the consent of two justices; harboring

act as overseers of the poor was in use in Pennsylvania as late as 1854.

See P. L., 1854, pp. 172-173.

Also P. L., 1845, p. 152.

In Meadville in 1855 they were volunteers and unappointed P. L., 1855, p. 259.

Also P. L., 1852, p. 134.

1. Charter and Laws, p. 151.

and entertaining them for more than twentyfour hours; exempting them from attachment for debt; prescribing their time of service and a more drastic and efficient method for the recovery and punishment of those who ran away.(1)

At the next assembly, which was held at New Castle in May, 1684, all the previous laws were reenacted, confirmed and declared to be in full force.(2) Interstate comity was promoted by the passage of laws recognizing the "hue and crye and warrant" of another province for the apprehension of runaway servants and vicious criminals, (3) offering a reward for their apprehension and detention, and imposing a fine of five shillings on any one who failed to give the names and residence of the members of his family on his arrival in any county of the province.(4) The other assemblies held prior to the Fletcher interruption did little more than reaffirm the previous laws in order to keep them in force.(5) Poor relief was administered under the direction of the courts through the overseers which method sufficed to all intents and purposes.

On the 20th of October, 1692, William and Mary signed the commission (6) which authorized Gover-

- 1. Charter and Laws, pp. 152-153 and 166.
- 2. Ibid. p. 166.
- 3. Ibid, pp. 169-169.
- 4. Ibid, p. 177.

See also Acts of the Assembly of 1685.

- 5. Ibid, pp. 179 and 182.
- 6. Charter and Laws, p. 543.

The commission is found on pp. 539-543.



nor Fletcher of New York to take charge of the province of Pennsylvania and the territories attached thereto and administer the government. This action was based on reports that the province had fallen into disorder and confusion, that public peace and justice were violated and that no provision had been made for its defense. Governor Fletcher entered Philadelphia on the 26th of April, 1603, and, after having his commission read in the "Market Place," assumed the reins of government by issuing a summons for an assembly to meet in May following.(1) When the assembly met it drew up and presented to him "A Petition of Right" to which was attached a number of laws then in force accompanied with a request that he confirm them. (2) This action did not impress the governor favorably. His chief object was to obtain a grant of men and money for the defense of the province of New York against the French and Indians. This the assembly refused to grant because it would violate Quaker principles. Thereupon began a quarrel between the governor and the assembly which continued until the restoration of the province to Penn. The legislation of this period that related to the poor directly was an act exempting them from the payment of the tax imposed by the "Penny in the Pound Act,"(3) and directing that the apportion-

For the official acts leading to Fletcher's appointment, see Board of Trade Journals, Vol. VII, pp. 90, 99 and 100.

- 1. Charter and Laws, p. 544.
- 2. Ibid, pp. 191-198 et sequor.
- 3. Ibid, p. 222.

ment for the poor be paid to the justices of the peace and the overseers of the poor out of the first moneys raised by the counties.(1)

The "Petition of Right," together with the laws attached thereto, was confirmed by Governor Fletcher, but law Thirty-Two, the Poor Law, was not among them. The issuance of the governor's commission abrogated all previous laws. Since Law Thirty-Two was not among those attached to the petition that were confirmed, did it lapse, and if so, on what authority was poor relief administered? (2) A law passed by a lawful assembly or legislative body remains in force until it is superseded by another, or the office or institution for which it was enacted, abolished. When Governor Fletcher assumed the government the courts were administering the laws then in force and would continue to do so until they received a certified code from him superseding them. That this course was followed is proven by the records in the "Votes of the Assembly."(3) At the sessions held April to June 1694 a statement of grievances was presented to the Assembly by the courts of which the first one declared, "That we have not the Catalogue of the Laws with the Preamble to them and the Governor's approbation, which were by Petition of Right in the Assembly last year, (to be

- 1. Charter and Laws, p. 233.
- 2. Ibid, p. 551. Statement of B. F. Nead, Esq.
- 3. Votes of the Assembly, Vol. I, pp. 65-71. Shows the struggle between the Governor and the Assembly and the latter's claim that the old laws were in force.

in force) that Justice may be administered according to the said Laws in the several Courts of Justice in this Province and County."(1) This was present. ed in the Second month, 1694. On June 9th of the same year Governor Fletcher dissolved the assembly with a severe reproof.(2) On August 20th follow. ing, the King and Queen issued letters patent a storing the province to Penn.(3) Inasmuch as the poor were in charge of the courts and since these ad ministered the old laws up to May 1694 and then ha no others, the conclusion is warranted that the administered justice by them until the restoration when the old ones were at once put in force again as declared in Penn's Commission appointing Man ham, governor, "strictlie charging and requiri thee in all things to govern according to the know laws and usages thereof."(4) Markham interpret this to mean the old proprietary government as acted accordingly.(5) The first assembly which met after the restoration declared the former las and the Charter to be in full force and the acts the Fletcher administration void.(6) This was

- 1. Votes of the Assembly, p. 78.
- 2. Charter and Laws, pp. 556-557.
- 3. Ibid, pp. 557-558.

For the official acts by which the restoration was authorized, see Board of Trade Journals Vol. VII, pp. 299, 308, 311, et sequor.

Also Proud—History of Pennsylvania, Vol. I, pp. 400-464

- 4. Ibid, p. 558.
- 5. Ibid, pp. 558 and 189.

Also, Gordon-History of Pennsylvania, p. 103.

6. Charter and Laws, pp. 245-253.

October 1696. The assembly which met the following year in its resolves and declarations confirmed the laws of all previous assemblies and declared Fletcher's rule to have been only a suspension of the lawful assembly.(1) The evidence warrants this conclusion that Law Thirty-Two, known as the "Poor Law," was administered without interruption until 1697 and continued until 1705 when it was superseded by a new and more comprehensive statute.(2)

In 1698 Markham issued a proclamation authorizing the establishment of a school where poor children should be taught "Good Literature" until they were fit to be bound out.(3) The Judiciary Act of 1701 assigned the latter duty to the justices.(4)

November 27, 1700, the assembly passed an act which was intended primarily for emergency relief, but secondarily to prevent other laws from lapsing by disallowance. This declared that, "Whereas there now is, and hereafter may frequently happen to be, many indigent and poor persons. . . . that may stand in need of and require a more speedy

- 1. Charter and Laws, pp. 261-262.
- Also, Votes of the Assembly, Vol. II, pp. 94, 98 and 117.
- 2. Statutes-at-large, Vol. II, pp. 251-254.
- 3. Colonial Records, Vol. I, pp. 531 and 533.
- 4. Charter and Laws, p. 317.

At the close of the year 1700 two of the overseers of the poor complained that they were out of purse to the value of forty-two pounds laid out for the use of the poor. It is not clear whether this was due to inadequate appropriations, extravagance, or the misuse of funds.

relief than can be made by the overseers of the poor, where such objects of charity happen to be or come;" therefore, "Be it enacted. . . . That all persons falling into decay, want, or poverty, upon their complaint made to the justices of the peace and overseers of the poor of the respective counties where such decayed or indigent persons shall happen to be, or reside, the justices of the peace and overseers of the poor shall take due care to relieve such poor and indigent persons,"(1) and for their encouragement they were to have the use of the first moneys raised in the respective counties by the tax levies.(2) This provision for sudden and emergent relief was inserted also in the act for raising the county levies together with an additional section that imposed a fine of five pounds upon any tax collector who was remiss in his duties; the fine to be for the use of the poor.(3) These statutes do not discriminate between old or young, worthy or unworthy, resident or non-resident, and are rather an incentive to, than a preventive of pauperism.

We noted above that these statutes were also intended to prevent the lapsing of old laws in case of their disallowance by the Privy Council.(4) The charter allowed five years in which to present laws

- 1. Statutes-at-Large, Vol. II, p. 20.
- 2. Ibid.
- 3. Statutes-at-Large, Vol. II, p. 37.
- 4. Charter and Laws, pp. 84-85.

Poore-Charters and Constitutions, Pt. II, p. 1511.

Proud—History of Pennsylvania, Vol. I, pp. 177-178.

passed by the assembly to the Privy Council for allowance or disallowance. Meanwhile, however, they were in force in the province. In many instances they were withheld nearly the entire period before they were sent to the King in Council, and if disallowed, were immediately re-enacted with a few small changes, thus keeping them in force actually without any intermission. By this practice the assembly exercised almost absolute authority, while the people, conscious of its policy, learned not only their first lesson in defying the home government, but also in evading its orders and instructions.(1)

Recapitulating the facts presented in this chapter, we find, first, that previous to 1682 the poor were in charge of the local parish and poor affairs administered by the churchwardens and overseers; (2); second, that in the "Body of Laws" the courts displaced the churchwardens while the overseers were continued as subordinates (3); third, that poor relief was administered uninterruptedly on the basis of Law Thirty-Two until the year 1705 (4); fourth, that the introduction of bonded or indentured servants and redemptioners introduced an unstable population that greatly complicated the problem of poor relief (5); fifth, that the poor were al-

^{1.} Bolles—Pennsylvania: Province and State, Vol. I, p. 216.

^{2.} Charter and Laws, p. 44.

Watson-Annals of Pennsylvania, Vol. I, p. 304.

^{3.} Ibid, p. 115.

^{4.} Votes of Assembly, Vol. I, p. 78 et sequor.

^{5.} Charter and Laws, p. 237.



ways cared for out of the first moneys raised by the county levies; (1) and, sixth, that the evidence is conclusive that one of the important, if not the most important function of local government, was the care for the poor.(2)

1. Statutes-at-Large. Vol. II, p. 37.

2. Bolles—Pennsylvania: Province and State, Vol. II, p. 262 and 265.

Gould—Local Government in Pennsylvania, in J. H. U. Studies, Vol. VI, Pt. III, pp. 25-26.

Howard—Local Constitutional History of the United States, p. 196.

Also, Gordon-History of Pennsylvania, p. 552.



Chapter III.

LEGISLATION PREVIOUS TO 1836.

For convenience of discussion we divide the pop ulation of the country into four classes. The first consists of the solid, substantial, aggressive, so-called middle class that carves out its career by adaptation to and control of its environment. It is the element that forms settlements and subdues wilder-The second consists of those who are nesses. dissatisfied with the prevailing economic and industrial regime. They are the hardy adventurers who push into the hitherto unexplored regions for notoriety, honor and gain. They are the birds of fortune whose flight is checked only by exhaustion. A few remain and effect settlements, but the larger portion are restless and moving continually. third consists of those who are unable to keep pace with economic progress. They are the aged and the infirm; the sick and the victims of accidents; the deficient in vitality and the destitute of ambition and motive. The fourth consists of the anti-social, the parasites who sap the life of society. They are the vicious, the criminal and the dissolute. Very few paupers come from the ranks of classes one and two. Many of those in class three are cared for privately. But the remainder of class three and the whole of class four furnish nearly all the recruits for the pauper class. Class four, however, is cared for very largely in prisons, work houses and houses of correction. Consequently, the remainder of our discussion will

be devoted to a consideration of enactments by assemblies and legislatures in their efforts to deal with the problems of relief presented by class three and those of the other classes that may happen to fall at some time or other below the poverty line.

During the first twenty years of the province's existence, the number in class three was not very large at any particular time. There was, as yet, no submerged tenth among the population, the immigration of aliens had not yet begun, nor had the mother country resorted to the practice of sending to any extent the criminal and vicious to her colonies. The main question that confronted the early settlers was how to obtain a sufficient quantity of cheap labor to fell the forests, break up the soil and construct homes. quired the labor of many hands at a time when returns were most meagre and the payment of the market price of labor, even if it were to be had, impossible. Therefore, by the force of circumstances, the pioneer was compelled to resort either to slave labor, or to that of the indentured servant. The southern colonies chose the former, the northern, the latter.

The servants were divided into two classes, the Redemptioners and the Indentured. The former agreed with the master of a vessel to find friends on their arrival in the colony who would redeem them by paying their passage money; failing in this the master was at liberty to sell them to the highest bidder in order to recover the expense of their transportation. The latter were unable to pay their passage and, before embarking, signed

an assignable contract called an Indenture which permitted the master of the vessel to sell them to the highest bidder on their arrival.(1) While the Quakers were opposed to slavery they had no objections to holding indentured servants. "Many of the Irish Friends brought over indentured servants and disposed of them to advantage in the colony, where there was a great demand for laborers."(2) These servants at the opening of the Eighteenth Century constituted no inconsiderable portion of the population while at the same time they proved a most troublesome one. Un account of harsh treatment and dissatisfaction with the conditions of the service(3) many ran away only to turn up later in the ranks of the dependents. Some fled to other provinces while those in other provinces fled to Pennsylvania. Consequently, few could claim any legal settlement, a fact that greatly complicated the question of responsibility for relief.

The worthy poor among the Quakers were cared for by means of contributions made at their Monthly Meetings and later in their almshouse. (4) Other

- 1. Geiser—Redemptioners and Indentured Servants in Pennsylvania, p. 6.
- 2. Myers—The Immigration of Irish Quakers into Pennsylvania, p. 100.
 - 3. Ibid, p. 102.
- 4. The Friend's almshouses were the first erected in this city, as they built some small houses on John Martin's lot in 1713 and the larger one on his front lot in 1729. In 1712 the need of a poorhouse was laid before the City Council and it

religious denominations, so far as they had organized congregations, also administered relief through them. Friends and relatives cared for their poor wherever able. While these efforts were somewhat spasmodic and unsystematic, yet they served a valuable purpose, for, as a result, very few of the worthy and stalwart element ever became objects of charity, or subjects for relief legislation. It was the indentured servant and the redemptioner. the assisted immigrant and the criminal, that constituted the rank and file of the pauper class. The city of Philadelphia became, in a sense, the dumping ground for the derelicts of these classes and had just cause to complain about the "great influx of strangers, many with families, having no means of support,"(1) who were thus cast upon her charity.

The legislation of this period begins with the settlement of servants. No servant was to be sold into, nor assigned to another province without his consent given in the presence of one or two justices of the peace, nor discharged without the "Custom" of servants. (2) For every day's voluntary absence, five were to be added at the expiration of his time. A reward was offered for the apprehension of runaways and a fine of twenty shillings imposed for every day's entertainment and concealment of a

was resolved to hire a workhouse "to employ poor persons." Watson's Annals of Pennsylvania, Vol. III, p. 333.

- 1. Gordon-History of Pennsylvania, p. 208.
- 2. Statutes-at-large, Vol. II, p. 55. Note—The "Custom" usually consisted of two complete suits of apparel where-

servant. Whoever trafficked, or dealt clandestinely with a servant was to be fined a sum equal to treble the value of the goods while the servant, if white, had to serve extra time, and, if black, to be publicly whipped.(1) Persons departing out of the province were required to give thirty days' notice on the County Court door and obtain a pass under the seal of the county.(2) By requiring the consent of the justices of the peace for transfers and the procurement of a county pass on leaving the province the assembly endeavored to fix the legal settlement of servants and the responsibility for their relief in case they became dependent. This settlement act remained in force until it was superseded by the General Settlement Act of 1718 and its supplement of 1735.

The first general poor relief measure was enacted in the winter of 1705—1706.(3) Heretofore, poor relief was in charge of the courts and the overseers who administered it at their discretion. The new law created a special administrative body. The first section authorized the justices of the peace of the respective counties, or any three or more of them, to meet annually and appoint one, two, or more of the solid, substantial, inhabitants of the respective townships to be overseers of the poor for

of one shall be new; and he shall be furnished with one new ax, one grubbing hoe and one weeding hoe, all at the charge of the master or mistress.

- 1. Statutes-at-Large, Vol. II, p.56.
- 2 Ibid, pp. 83-84.
- 3. Ibid, pp. 251-254.

the ensuing year. Where the townships were small or sparsely settled, two or more might be joined to form a district.(1) The Eighth Section required the overseers to present a statement of their accounts for audit at the expiration of their terms. The overseer who failed to present a statement of his account was required to serve another year, or forfeit a sum not exceeding fifty pounds while the appointee who refused to serve an appointment forfeited five pounds.(2)

The duties of the overseers were two-fold: first, to lay a rate of assessment and apply the receipts thereof to the relief of the poor, and, second, to set on work and bind out poor children. (3) Applicants for relief had to procure an order from two justices of the peace before their names were to be entered on the poor books. Aid granted by an overseer without such order was a forfeit on his part "unless the justices shall approve and allow the same at the time of settlement."(4) It was made lawful for the overseers with the "approbation and consent of two or more justices of the peace to set on work" the children of parents who are not able to maintain them, and also to put such children out as apprentices for such time"(5) as in their discretion may seem meet and proper. The Fifth Section

- 1. Statutes-at-Large, Vol. II, p. 251. For meaning and use of the term district in this thesis, see note at the end of the Preface.
 - 2. Ibid, p. 254.
 - 3. Ibid, pp. 251-253.
 - 4. Ibid, p. 253.
 - 5. Ibid, p. 253.

made imperative the mutual responsibility of grandparents, parents and children, so far as they should be able, for the support and relief at their own charges of, "every poor, old, blind, lame and impotent person not able to work," (1) among them.

The act continues the close connection between the justices of the peace and the overseers of the poor. It separates the latter office from that of supervisor of the highways and makes its incumbents an executive body for executing the orders of the justices relating to poor matters. In providing imprisonment "without bail or main prize" for nonpayment of fines and penalties it opened the way for the creation of the very conditions it aimed to alleviate. The township was made the unit for poor relief administration, a position, which, in part, it has maintained unto the present in spite of the attempts of the county system to displace it. It remained in force until 1771 when it was repealed by the law of that year.

Before considering the Act of 1718 a review of the immigration movement is necessary. The immigrants which came to Pennsylvania may be divided into three types. First, the independents who transported themselves and their possessions to the state for the purpose of establishing homes where they would be free from the persecutions of the mother country. Second, those who were assisted by associations or friends, either by paying their passage, or providing for it by transferable indentures that would enable them to earn it by ser-

^{1.} Statutes-at-Large, Vol. II, p. 253.

vice in the new state or country.(1) Third, those who were convicted of heinous crimes, and other loose, idle and vicious persons whom the mother country deported either permanently or for a number of years.(2) The first wave of immigration was the Quaker, and was due chiefly to the persecutions of the Friends previous to the passage of the Toleration Act of 1689. It attained its greatest proportions in the early years of the colony's existence and gradually decreased until 1708 when it ceased almost entirely.(3) The second wave was the German which began in 1708 and continued almost without abatement until 1727.(4) It was due either to religious persecution, or political despotism, or to both.(5) By Penn's invitation, Pennsylvania became the asylum for the "harassed and depressed" of all nationalities. (6) None appreciated the significance of this more than the sons and daughters of the Fatherland. (7) A few of them came before 1702, but it was not until 1708 that they be-

- 1. Myers—The Immigration of Irish Quakers into Pennsylvania, pp. 95-99. Geiser—Redemptioners and Indentured Servants in Pennsylvania, pp. 28-29.
- 2. Ibid. Also Nicholls—History of the English Poor Law, Vol. I, p. 216 and Vol. II, p. 4. Gordon—History of Pennsylvania, p. 189.
- 3. Myers-Immigration of Irish Quakers into Pennsylvania, p. 83.
- 4. Geiser—Redemptioners and Indentured Servants in Pennsylvania, pp. 27-29.
 - 5. Ibid, cap. II. Also Rupp-30,000 Names, p. 1.
 - 6. Ibid.
 - 7. Ibid.

gan to come in large numbers. (1) By far the larger portion of them came through the assistance of friends, or as indentured servants. Upon their arrival they plunged into the back country, took up lands and formed settlements in which the language and customs of the home country were perpetuated. In 1717 the governor became alarmed and proposed to the assembly whether some regulation was not necessary in regard to the unlimited number of these foreigners coming without license from the King or leave of the government; that evil consequences might result from their settlement in "too large numbers together, or promiscuously among the Indians."(2) No action was taken by the assembly on the governor's proposal and the matter rested until 1728.

The assisted immigration was responsible for the conditions which the General Settlement Act of 1718 sought to relieve. The act divides itself into two parts. The first answers the question, What constitutes a legal settlement? while the second guards against the misapplication of funds. Its preamble declares that "Whereas, by a law of this province, entitled, 'An act for the relief of the poor,' it is provided that the overseers of the poor for the respective townships, shall make rates or assessments for the relief of the poor, indigent and impotent persons inhabiting within the said townships. But it is not ascertained what settlement

^{1.} Rupp-30,000 Names, pp. 1-2.

² Ibid. p. 32. Also, Gordon—History of Pennsylvania, Vol. II, p. 100. Colonial Records, Vol. III.

shall render one an inhabitant, relievable by said act."(1) In view of this defect it provided that the following persons should be deemed to have acquired a legal settlement: First, unmarried persons without children entering as servants or indentured apprentices and continuing in the service of their masters or mistresses for one whole year; Second, persons who entered to discharge the duties of a township office or other public charge for one year and paid their share toward the county levies: Third, persons who took a bona fide tenement or plantation of the yearly value of five pounds, or gave security to indemnify the said county, township, or district for any expense it might have to incur by virtue of their becoming dependent, approved by two justices of the peace or two magistrates of the city, county, township or district.(2) Persons who came from another province, or who went from one part of the province into another were not deemed to acquire a legal settlement by their continuance unless they gave "security for the discharge of the county, township, or district."(3) Failure or neglect to comply with the above conditions subjected them to removal to the place of their last legal settlement. (4) Overseers who refused to receive persons removed because of their liability to become charges were to be subject to a fine of five pounds, or imprisonment without bail

^{1.} Statutes-at-Large, Vol. III, p. 221.

^{2.} Ibid, pp. 221-222.

^{3.} Ibid, p. 222.

^{4.} Ibid, p. 223.

or main prize for the space of forty days.(1) An appeal to the respective courts was allowed from these judgments.(2) Legal settlement, therefore, was based on continued residence and occupation, unless one liable to become chargeable gave the required security. All who were unable to comply with these requirements were deemed to have acquired no legal settlement and were subject to removal to the place from whence they came.(3)

To the end that the moneys raised by the assessments would be used for the relief of the worthy poor and impotent and not consumed by the idle, sturdy and disorderly beggars, (4) the second part provided that every person who received reliefhimself, and, if married, his wife and children, except those deputized by the overseers to care for aged poor parents—were required to wear on the shoulder of the right sleeve a Roman "P" with the first letter of the county, city, or place of his or her residence underneath. Neglect, or refusal on the part of any one receiving relief to comply with this requirement was punished by abridging. suspending, or withdrawing the aid, or committing him or her to the House of Correction, there to be whipped and kept at hard labor for a time not exceeding twenty-one days; while the overseer or

^{1.} Statutes-at-Large, Vol. III, p. 223.

Ibid.

^{3.} The provisions of this act are open to the same objections and criticisms as those of the 14th Charles II, cap. 12. See ante, p. 22.

^{4.} Statutes-at-Large, Vol. III, p. 224.

overseers who granted relief to any one not wearing the required badge or mark forfeited twenty shillings for every offense. (1)

There were two classes of persons, however, whom the inhabitants of the province endeavored to exclude. These were negro servants, or slaves and convicts. As early as 1710 the Assembly passed an act imposing a duty of forty shillings on every negro imported.(2) This proved ineffective and on May 12, 1712, another act was passed raising the duty to twenty pounds per head for every negro or Indian imported into the province, either by land, or by water.(3) This was prohibitive and would have excluded them entirely had not certain English merchants, interested in extensive contracts to supply negro slaves to American Colonies of different nationalities, induced the Queen to disallow it in Council.(4) The duty was then reduced to five pounds at which figure it remained for years.(5)

On the 17th of September, 1603, James I. issued

- 1. Statutes-at-Large, Vol. III, pp. 224-225. Note--We find no evidence anywhere that this diminished pauperism. It depreciated self-respect and made a rise to independence practically impossible.
- 2. Ibid, Vol. II, p. 383. Also, Bolles—Pennsylvania: Province and State, Vol. I, p. 191.
- 3. Ibid, Vol. III, p. 433. Also, Bolles—Pennsylvania: Province and State, Vol. II, p. 137. Gordon—History of Pennsylvania, p. 189.
 - 4. Gordon-History of Pennsylvania, p. 164.
- 5. Statutes-at-Large, Vol. III, p. 275 et sequor. Also Vol. IV, p. 52.

his proclamation against incorrigible and dangerous rogues. After complaining at some length about the increase of this class and blaming the justices therefor, the proclamation declares, "that such incorrigible and dangerous rogues should be banished and conveyed to the New-found Land, the East and the West Indies, France, Germany, Spain and the Low Countries."(1) In 1682 the Quaker settlers already realized the dangers of this class and raised their protest.(2) By 1712 the evil had assumed such proportions that the assembly passed an act authorizing the mayor and commonalty of Philadelphia "to employ the poor and compel vagrants to labor."(3) The point of quiet submission, however, was passed when in 1718 the 4th George I., cap. 11 became a law. Among other things this statute declared that on account of the scarcity of labor in many of the colonies, "persons ... who are liable to be whipped or burned in the hand, or have been ordered to any workhouse. may be sent to some of His Majesty's colonies in America for the space of seven years, and be made over to the use of any person who shall contract for such transportation for that period." under sentence of death were to be transported and assigned for fourteen years, and if any one returned before the expiration of his term of service. he was to be liable to execution as a felon. Idle young persons, lurking about the streets, who

^{1.} Nicholls-History of the English Poer Law, Vol. II, p 4.

^{2.} Bolles-Pennsylvania: Province and State, Vol. II, p. 137.

^{3.} Statutes-at-Large, Vol. II, p. 420.

ly and vigorously. A writer in Weekly Mercury voiced his protest direct words. "But by these ways o villains amongst such a flourishing lessen our Improvement and industr the vacancies of honest men with tr ing and designing Rogues, who wi brought to get their Livelihood by s and settled means; the ill-consequer would, without doubt, be remedied in were they as sensible of 'em as we made so living among them."(2) Assembly in 1722 enacted a law im of five pounds upon any convicted fe into the province and requiring the give security in the sum of fifty por convict's good behavior for one yea these provisions effective a fine of tv was imposed upon the master or own sel who failed to render a report on of ation within twenty-four hours after Collector of the port giving the n servants and the passengers.(3)

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Inasmuch as it was the high tide of foreign immigration, conditions grew worse instead of better. The Germans came in somewhat diminished numbers, but this falling off was off-set by the Irish Quakers who began to arrive in increased numbers by 1729.(1) This extraordinary influx of foreigners threw the governor and the assembly into a panicky condition. Many feared that the province would become a "Colony of Aliens," unless measures were taken to restrict immigration. (2) The population of the city and the province increased rapidly, prosperity was apparent everywhere, but along with this came also a large increase in looseness, crime and vice.(3) Complaints arose on all sides. The people of the upper and western parts of Chester County petitioned for the organization of those parts into a new county in order that the quiet inhabitants of that part of the old county could "secure themselves against the thefts and abuses almost daily committed upon them by idle and dissolute persons, who resort to the remote parts of the province."(4) A writer in the Weekly Mercury laments that, "with deep concern, have I continually observed the growing vices and follies of my countrymen."(5) Governor

Myers—Immigration of Irish Quakers into Pennsylvania,
 83.

^{2.} Geiser—Redemptioners and Indentured Servants in Pennsylvania, pp. 32-33. Quoted from Scharf and Wescott's History of Pennsylvania, Vol. I, p. 203.

^{3.} Bolles—Pennsylvania: Province and State, Vol. I, p. 200.

^{4.} Statutes-at-Large, Vol. IV, p. 131.

^{5.} The American Weekly Mercury, February 4, 1828.

Gordon in his address to the assembly in 1728 called attention to the need of legislation prohibiting the importation of "Irish Papists and convicts." (1) The assembly responded with a series of acts that must be considered, because they are the forerunners of the supplementary Settlement Act of 1735.

To prevent the province from becoming a "Colony of Aliens," to insure its safety and to secure its control to the English, the Crown in 1728 authorized the governor and the council to require evidence from the master of every vessel that he had permission from the Court of Great Britain to transport the passengers he had on board, to furnish a list thereof showing their occupations and the place from which they came and their intentions on coming into the province and also to prepare the form of an oath of allegiance to His Majesty, King George II., of fidelity to the Proprietor and of obedience to the laws of England and this province; said oath to be subscribed to by all persons above the age of sixteen.(2) Since the provisions of the Act of 1722 were incapable of coping successfully with the existing situation additional legislation was necessary. The assembly attacked the problem in good faith and on May 10, 1729, passed a new restrictive measure, the purpose of which was, according to the declarations of the preamble, "to discourage the great importation of

^{1.} The American Weekly Mercury, December 4, 1828.

^{2.} Colonial Records, Vol. III, p. 283. Rupp--30,000 Names, p. 39. Geiser--Redemptioners and Indentured Servants in Pennsylvania, pp. 33-34.

foreigners, and of lewd, idle and ill-affected persons," by whom the peace and safety of the people is endangered; "great numbers-coming into the government, either through age, impotency or idleness have become a heavy burden and charge upon the inhabitants and is daily increasing."(1) The act then required all above the age of sixteen to take an oath of abjuration instead of allegiance; security for good behavior from those who refused and laid an impost of forty shillings on every person born outside of the allegiance of Great Britain and twenty shillings on every Irish servant or redemptioner. (2) To avoid the heavy imposts and securities required for every foreigner landed directly in the province, many shipmasters resorted to the practice of discharging the servants and the convicts on board of their ships in one of the neighboring provinces bordering on the Delaware where no such restrictions existed.(3) Large numbers thus landed soon found their way into Pennsylvania. This species of evasion was guarded against by Section IV which provided that in all cases where persons destined for Pennsylvania were landed elsewhere on the Delaware, said aliens were to be required to comply with the requirements as to oaths, securities and the payment of the duties, while the masters of such ships, or the merchants importing them. were, upon conviction of such fraudulent practices. to be fined twenty pounds for every person so

^{1.} Statutes-at-Large, Vol. IV, p. 135.

^{2.} Ibid, pp. 135-136,

^{3.} Ibid, p. 137.

landed.(1) To prevent the importation of old persons, infants, maimed, lunatics, or vagabonds and vagrants, Section Five provided that all such should be brought before the Mayor or Aldermen of the city, and, if they were convinced that such person or persons were likely to become chargeable they were to apprehend the "masters, owners, or importers," inflict the prescribed penalties and issue warrants for their removal as the justices in England are empowered to do.(2)

That this statute was ineffective is proven by the preamble of the more drastic measure of the following year which repealed all previous ones. It sought to destroy effectually the practice of importing and disposing of servants who, "by reason of age, impotency, or idleness became a heavy burden upon the inhabitants," and also, "divers persons convicted of heinous crimes, who - - - commit many felonies, robberies, thefts and burglaries, to the great hurt of His Majesty's subjects trading to and inhabiting the same."(3) Therefore, the master of any vessel, or any merchants, importing any servant convicted of murder, rape, burglary, forgery, perjury, or any felony, shall, before such convict be landed, "pay the sum of five pounds," and, "become bound with good and sufficient security to the treasurer of the province in the sum of fifty pounds for the good behavior of such convict

^{1.} Statutes-at-Large, Vol. IV, pp. 137-138.

^{2.} Ibid. p. 139.

^{3.} Ibid, p. 164.

for the space of one year."(1) This was followed by the fraudulent practice section of the previous act. Section Three modified Section Five of the previous act so that the "master, merchant, or importer," of infants, lunatics, maimed, aged, impotent, or vagabonds and vagrants was required to give security, either for transporting them to the place from whence they came, or for indemnifying the province from any charge that might result from such person living therein.(2)

Although these provisions were intended to be prohibitive, the importations, nevertheless, increased instead of decreased, causing the problem to become acute. An evil that arose in another quarter further complicated matters. Hitherto, relief was administered by the method we now call "outdoor relief." The only "institutional relief" then administered was through the Friends' Almshouse which the "Irish Papists" called the "Quaker Nunnery." (3) The need of a house for the employment of the poor was brought to the attention of the city

^{1.} Statutes-at-Large, Vol. IV, p. 164. Note:—The title of Redemptioner was a cloak under which many an evil doer left his country "for his country's good" to prey upon the peace loving community of Friends. (Geiser-Redemptioners and Indentured Servants in Pennsylvania, p. 28. Quoted from Scharf and Westcott-History of Philadelphia, Vol. I, p. 856.) Many idle and vagrant persons came also under the guise of hawkers and peddlers. Statutes-at-Large, Vol. IV, p. 141.

^{2.} Ibid, cap. 314.

^{3.} Watson—Annals of Pennsylvania, Vol. I, p. 427. Also Vol. III, p. 333.

council as early as 1712 at which time it was agreed to hire a suitable one for that purpose. (1) An act was passed in 1705 which authorized the establishment of workhouses for vagrants, felons, loose, and idle persons. (2) When, therefore, the overseers of the poor in February 1729 represented to the Assembly, "the lack of accommodations for the poor from the great accession of foreigners and the increase of insolvent debtors, their wives and children," there was no institution of a public nature in the city worthy of the name. (3)

On the basis of this representation the assembly passed a bill on the 10th of May, 1729, for the emission of thirty thousand pounds in bills of credit which contained a provision for loaning to the Mayor and the commonalty of Philadelphia one thousand pounds thereof to purchase a plot of ground and erect thereon a house for the use of the poor.(4) During the next two years the house was erected and furnished, ready for use. It was located "on a green meadow, extending from Spruce to Pine Streets and from Third to Fourth Streets" - - - and was called "the Almshouse down Fourth Street."(5) The object was praiseworthy, but therein was also laid the foundation of a social

^{1.} Scharf and Westcott—History of Philadelphia, Vol. I, p. 191. Also, Watson—Annals of Pennsylvania, Vol. III, p. 333.

^{2.} Statutes-at-Large, Vol. II, p. 243. Also, Bolles—Pennsylvania: Province and State, Vol. II, p. 266.

^{3.} Watson-Annals of Pennsylvania, Vol. III, p. 333.

^{4.} Statutes-at-Large, Vol. IV, pp. 98-115.

^{5.} Watson-Annals of Pennsylvania, Vol. III, p. 333.

LEGISLATION PREVIOUS TO 1836

and moral as well as a political disease. On the one hand, the almshouse soon became and has continued to be a powerful magnet for all the poverty that can obtain a legal claim to relief, thus compelling the public to pay a high price for the maintenance and encouragement of pauperism, while on the other, it has been ever since a fountain of political jobbery and graft. (1)

The disordered social conditions of the early thirties necessitated the passage of the more rigorous Settlement Act of 1735, which was really a supplement to the previous one. Its preamble declares that the laws, made for the relief of the poor and for removing and punishing rogues, vagrants and other idle persons, failed to remove the oppressive burdens arising from the ingress of disorderly persons from other provinces, who conceal themselves in Philadelphia and the neighboring townships, until they either gain a legal settlement, or fall sick so that removal is impossible.(2) To remedy this and at the same time relieve the people of grievous burdens, the act made it impossible for any one coming into the city or any township to gain a settlement, unless, within five days after his or her arrival, he or she furnished the overseers of the poor with a statement of his or her residence and family, if any. (3) A hired, or indentured servant or apprentice was allowed ten days

^{1.} Gordon-History of Pennsylvania, p. 208.

^{2.} Statutes-at-Large, Vol. IV, p. 266.

^{3.} Ibid, p. 267.

in which to present the necessary statement.(1) Neglect or refusal to comply with the above requirements had to be satisfied with security against becoming chargeable, or else be deported to the place of last legal settlement. (2) To protect the province more effectually against the concealment of rogues, vagabonds and other idle and dissolute persons, it provided that any householder or inhabitant who received and entertained any one who had no legal settlement in the province, without giving notice thereof in writing to the overseers of the poor within ten days, was to be fined twenty shillings for every offence, and, in case the person for whom no such notice had been given, fell sick, or died before he or she could be removed, the person who received and entertained him or her was obliged to pay whatever expense was necessary."(3) Poor persons who moved from one district into another within the province in order to obtain employment for themselves or their families, were required to procure a certificate of legal settlement from the overseers of the poor where they resided, which the overseers of the district to which they moved, were required to honor in case of need. (4) Those who migrated to another part of the province, concealed themselves, and fell into sickness or want before gaining a legal settlement, were to be re-

^{1.} Statutes-at-Large, Vol. IV, p. 267.

^{2.} Ibid, p. 268.

^{3.} Ibid, pp. 268-269.

^{4.} Ibid, p. 270.

lieved by the overseers of the district, but the expenses incured had to be paid by the overseers of the place of last legal settlement.(1)

The next two sections were not in the bill as originally passed by the assembly. They are the amendments which the governor and council added. because for some time complaints had been made to them alleging that overseers of the poor had "supplyed the poor with necessaries out of their own stores and shops at exorbitant Prices," and also, "paid unreasonable accounts to their friends or Dependents for services done the Poor." order to prevent this species of petty graft as well as protect the people who were heavily burdened by the excessive poor rates, the time for settling the accounts of the overseers was extended and the magistrates of the counties and the Mayor and Aldermen of Philadelphia were empowered "to allow such accounts and sums only as to them shall seem just and reasonable,"(2) for goods delivered to, or services rendered to the poor. The next section endeavored to increase the efficiency of the Philadelphia almshouse by authorizing the Mayor. or Recorder with any two Aldermen to appoint a wise, sober and discreet person as steward to reside therein and administer its internal affairs. (3)

Frequently the overseers on going out of office

^{1.} Statutes-at-Large, Vol. IV, pp. 270-271.

^{2.} Colonial Records, Vol. III, p. 590. Also, Statutes-at-Large, Vol. IV, p. 274.

^{3.} Statutes-at-Large, Vol. IV, p. 274. Also, Scharf and Westcott—History of Philadelphia, Vol. I, p. 206.

refused to deliver fair and true accounts of their receipts and expenditures to the magistrates and also left large portions of the poor levies uncollected. The loss of these sums entailed a heavy burden on those who paid their assessments. Hereafter, overseers were required to hand true accounts to the magistrates showing the assessments levied, how the money was expended, and the sums uncollected, subject to a penalty for neglect or failure of imprisonment without bail or main prize until they had complied with the requirements.(1) The two remaining sections provided for the filling of vacancies in the boards of overseers and for the collection of fines and penalties imposed by the act. The Mayor, Recorder, or any two aldermen of the city of Philadelphia, or any two magistrates of a county, were authorized to fill any vacancy that might occur at any time in order to prevent suffering on the part of the poor, and, for the recovery of fines, and penalties, to issue their warrants for distress and sale of the goods of any offender or delinquent.(2)

The previous period was that of beginnings; this is that of development. As it was not possible to foresee the rapid increase in population and industrial development during the first third of the century, the foundations were shattered and reconstruction became essentially necessary. The unprecedented immigration and the inundation of deported convicts, vagabonds, vagrants and the

^{1.} Statutes-at-Large, Vol. IV, pp. 274-276.

^{2.} Ibid, pp. 276-277.

dregs of the British populace came before the infant colony was prepared, socially and politically, to assimilate them. Consequently, legislation had to be reconstructed and substantial progress was made. The overseers of the poor were separated from the supervisors of the highways and made a separate administrative agency with the advice and consent of the justices of the peace. Settlement, which was first based on residence and occupation, was, in the last act of the period, made to depend solely on the filing of the necessary statement of self and family, if any, with the overseers of the poor. Institutional relief with all its attendant evils was begun by the erection of a poor house for the municipality of Philadelphia, the first of its kind in the country. Corrupt official practices were sought to be remedied by appropriate legislation while at the same time a steward was placed in charge of the city poor house. Thus the foundation was broadened and the superstructure begun; we proceed now to a period marked by extension and further development.

Chapter IV.

LEGISLATION DURING THE MIDDLE PERIOD, 1736–1771.

Three great historical events characterize this period. First, King George's War which was terminated by the Peace of Aix-la-Chapelle in 1748; second, the French and Indian War which resulted in the overthrow of France in America and the loss of all her colonies, and, third, the preliminaries of the American Revolution. of these left its impress upon the province. Socially, the aftermath of a war is worse than the war itself. Its duration may be brief but the clearing away of the wreckage and the restoration of normal conditions frequently requires more than a generation. Old forms of development are interrupted; often destroyed and temporary ones introduced that may lead to further chaos rather than settled order, while adaptability to normal peaceful pursuits is slow and tedious. During the thirty-five years embraced within this period external wars and Indian depredations on the frontier followed one another so rapidly, that none of the intervening stages of peace were long enough to result in any satisfactory adjustment of social and economic conditions. Substantial progress, however, was made. The province rose to every occasion, and finally at the close, laid, what by

common consent, is called the foundation of Pennsylvania's Poor Law.(1)

Foreign immigration materially increased the complexity and acuteness of the existing social conditions. Following the repressive measures of 1729-1730 (2) it began to increase and continued to do so in ever larger and larger numbers until the close of the period.(3) The third wave of the Irish Quaker immigration reached its highest point at the beginning of the period. A few years later it began to decline and disappeared entirely about 1750.(4) With the German and the other nationalities the reverse is the case. When the former began to decline the latter began to increase and reached its high water mark again when the former disappeared. During the French and Indian War it was at a low ebb, but increased rapidly during the decade following the Treaty of Paris, 1763. and attained its maximum in 1771.(5) The significance of this immigration was not in the fact that there were so many thousands of Germans and Irish, but that a large portion of these immigrants were servants and redemptioners among

- 1 Act of March 9, 1771.
- 2. Act of February 4, 1729-1730.
- 3. Geiser—Redemptioners and Indentured Servants in Pennsylvania, pp. 27 and 34-39. Rupp—30,000 Names, pp. 1-5. Pennsylvania Archives, Vol XVII, II Series.
- 4 Myers—Immigration of Irish Quakers into Pennsylvania, p. 83.
- 5. Geiser—Redemptioners and Indentured Servants in Pennsylvania, pp. 34-39.

whom the aged, impotent, diseased and convicts and vagrants constituted a considerable portion.

The stalwart Germans pushed northward and settled that portion of the state which is now embraced in the counties of Northampton, Bucks, Monroe, Carbon, Lehigh, Lebanon, Dauphin, Northumberland, Schuylkill, York, Lancaster, Berks and Montgomery. They were best adapted to agriculture and the improvement of a wilderness where industry and parsimony are the chief requisites for obtaining a freehold. (1) The Scotch-Irish settled in the Cumberland Valley and subdued that wilderness. The Irish, however, seattered themselves through the whole of the province and took to trade for which they seemed best fitted. The German servants and redemptioners were content with their lot and usually served their time, after which they took up land and became independent farmers.(2) The Irish, on the other hand, were dissatisfied and constituted the major portion of the runaway class. The papers of that day were filled with notices of Irish servant men runaways.(3) Among these were many of the imported convicts, rogues and vagabonds who pushed to the frontier where they became a terror and scourge to the peaceful and industrious

^{1.} Proud-Bistory of Penusylvania, Vol. II, p. 274.

^{2.} Ibid

^{3.} See American Weekly Mercury, The Pennsylvania Gazette, and the Pennsylvania Journal. Files of these papers are in the Pennsylvania Historical Society's Library, Philadelphia.

inhabitants and continued their life of crime and dissoluteness. Conditions became so intolerable that the settlers west of the Susquehanna petitioned the assembly for the organization of a new county representing that they were suffering great hardships because they were "at so great distance from the borough of Lancaster where the courts justice are held and the public offices are kept, and how hard and difficult it is for the sober and quiet part of the inhabitants of that part of the county to secure themselves against thefts and abuses, frequently committed amongst them by idle and dissolute persons, who resort to the remote part of the province, and by reason of the great distance from the court or prison, frequently find means of making their escape."(1) If these elements did not become objects of charity through the ordinary channels of relief, they did so through prisons and workhouses.

If such were the conditions on the frontier, what were they in Philadelphia and its vicinity? In it were huddled together not only the weak, maimed, impotent and lunatic, but also the vicious and the dissolute. Most of them were unable to keep above the poverty line. They were brought in and disposed of as servants by masters of vessels and importers (2) with the result that the populace was subjected to heavy losses and damages because of their inability to perform the duties of servants. The almshouse was filled with these wrecks of humanity

^{1.} Statutes-at-Large, Vol. V, p. 71.

^{2.} Ibid, Vol. IV, p. 360.

while the normal channels of relief were exhausted. When we add to these the ordinary dependents and those made so by war and frontier Indian depredations the gravity of the relief problem is self-evident.

The legislation that followed the Supplementary Settlement Act of 1735 was restrictive and directed against the importation of the impotent and the convict classes. The Act of 1742 (1) re-enacted in their entirety the first three sections of the Act of 1729-1730. In the Fourth Section, however, the fees of the collector of the port were raised to twelve pence per head, one-half of which was to be paid to the Province Island Pest House, for whose establishment a bill was passed by this assembly; (2) while for every bond he was obliged to take the maximum fee was to be two shillings and six pence.(3) The Fifth Section empowered the master, owner, or importer who was compelled to pay the above duties, fines and penalties, to recover the same by law from the passengers for whom they were paid.(4) As they usually had nothing with which to pay, a suit at law meant imprisonment for debt, or being sold into servitude for an extended period of time. Sales were effected with more or less difficulty because the risk was too great.

The Sixth Section not only authorized, but also required the collector of the port, as soon as appli-

^{1.} Statutes-at-Large, Vol. IV, p. 360-369.

^{2.} Ibid, p. 382-388.

^{3.} Ibid, p. 363.

^{4.} Ibid, p. 366.

cation was made to him by the master of an incoming vessel for permission to land passengers, to board such vessel and examine the passengers as to their health and general condition; if he suspected any infectious disease, he was further empowered to call upon the governor, or two justices of the peace to direct a physical examination of said passengers by a competent physician and, if his suspicions were confirmed, the infected persons were to be taken to the pest house on Province Island by order of the governor, or of any two justices of the peace.(1) To prevent concealment of any of the excepted classes, or evasions of the provisions of this statute, the collector, having obtained a warrant from a justice of the peace, could board any vessel or craft whatsoever in any port or place in the province, or enter any house, store or place whatsoever, "to search for and make discovery of any such convicts, infants, lunatics, aged, maimed, impotent, or vagrant persons landed or intended to be landed contrary to the meaning of this Act,"(2) and to collect all duties, penalties and forfeitures imposed by it.(3) Offering resistance or placing obstructions in the collector's way was punished by the imposition of a fine of twenty pounds to be recovered by law, while the collector was to be fined fifty pounds for neglecting the performance of his duties. (4) Another provision related to the protection of

^{1.} Statutes-at-Large, Vol. IV, pp. 366-367.

^{2.} Ibid, p. 367.

^{3.} Ibid.

^{4.} Ibid, p, 368.

purchasers of servants and empowered any one who sustained loss and damage through the purchase of an infirm servant, or one who was afflicted with a loathsome disease, to recover at law with full cost of suit, such loss or damage from the master, owner or merchant who disposed of such servant or servants.(1)

A more rigid exclusion law can scarcely be imagined. The liabilities to which masters of vessels, owners and importers were subject were so great that very few would care to incur the risk involved in transporting and landing immigrants. There is no direct evidence, however, that any diminution occurred. Wherever there exists any possibility of gain a way is always found by which to evade a statute and smuggle in forbidden goods or persons. If rigidly enforced, it would compel the very classes to remain in England which it was desired to get rid of by forcing them upon the colonies. To prevent a disallowance a clause was inserted exempting from its operation such servants or others who could be legally imported under the laws of England now in force. This, however, availed nothing, for when it came before the King in Council in 1746 it was disallowed and the Act of 1729-1730 remained in force.(2) The fee section of the disallowed act was attached as a rider to a subsequent act which authorized the ap-

^{1.} Statutes-at-Large, Vol. IV, p. 368.

^{2.} Ibid, Vol. IV, p. 504, Appendix XV.

pointment of a collector for the port of Philadelphia and thus became a law.(1)

The disallowance of the exclusion law of 1742 made a wide opening for the entrance of a fresh flood of immigrants, (2) especially of the impotent, diseased and convict classes. Proud in his history of Pennsylvania among other things writes thus: "In the summer of 1749 twenty-five sail of large ships arrived with German passengers alone, which brought about twelve thousand souls, some of the ships about six hundred each; and in sevefal other years near the same number of these people arrived annually; and in some years nearly as many annually from Ireland."(3) The burden which this imposed upon the peaceful and substantial inhabitants was enormous. Subsequent acts provided for the erection of workhouses in Lancaster and Newtown and the rebuilding of the one at Bristol(4) in order to deal with the incorrigible. Private relief societies as well as those of the different religious bodies were taxed to their utmost. assembly was appealed to and responded with the Act of 1749 "amending the Poor Laws of the Province."(5)

By it two new features were introduced into the poor law. The first was a provision for the incor-

- 1. Statutes-at-Large, Vol. V, pp. 77-79.
- 2. Geiser—Redemptioners and Indentured Servants in Pennsylvania, pp. 37-40.
 - 3. Proud—History of Pennsylvania, Vol. II, p. 273.
 - 4 Statutes-at-Large, Vol. V, pp. 28-38.
 - 5. Ibid, Vol. V, p. 79.

poration of the overseers of the poor and authorizing them to receive and accept bequests, gifts, etc., while the second was a provision for employing the poor of Philadelphia. The preamble declares that as hereafter divers persons may wish to devise or 'bequeath "lands, tenements, or sums of money for the use of the poor,"(1) therefore it is provided that the overseers of the poor of the respective townships, boroughs and the city of Philadelphia are declared to be bodies corporate and politic, possessing all the powers, prerogatives and privileges of such bodies, and may receive, purchase, or take "lands, tenements, or hereditaments not exceeding the yearly value of five hundred pounds," or any goods, chattels, or sums of money not over five hundred pounds yearly value for the use of the poor.(2) It combined private and public charity for the purpose of alleviating the public burdens by inviting and encouraging contributions from the rich and the well-to-do as well as those kindly disposed toward the poor to be administered by the newly incorporated poor boards. The second authorized the overseers of the poor of Philadelphia to employ such of the poor of that municipality as were able to work so that they might contribute something toward their support. The overseers were "strictly enjoined and required to purchase junk, hemp. flax, wool, yarn, worsted, or any other proper material for employing and keeping poor persons to work, and

^{1.} Statutes-at-Large, Vol. V, p. 79.

^{2.} Ibid.

distribute and give out such quantities thereof as they see fit to such poor persons in the said city as are likely to become chargeable for want of employment, and to employ such persons in manufacturing the same, and to make them a reasonable allowance for their work."(1) This plan of setting the poor to work included not only the inmates of the almshouse, but also all the poor in the city who received public relief. It was the initial effort to make the poor contribute something to their support by such labor as they were able physically to render and eliminate sustentation in idleness. Beneficial results were expected, provided that the steward of the almshouse and the overseers of the poor discharged their duties faithfully and efficiently, and to insure this, the former was required to give a bond (2) while the latter were required to render yearly, fair, true and accurate accounts to the mayor, recorder and aldermen.(3) The settlement sections of the Act of 1735 were modified so that a legally imported servant from Europe, who should duly serve his or her master or mistress for one year, acquired thereby a legal settlement without the filing of the required statement of the previous act; but, if such servant was sold, the purchaser was required to file the statement, otherwise said servant would not acquire a settlement.(4)

^{1.} Statutes-at-Large, Vol. V, p. 85.

^{2.} Ibid.

^{3. 1}bid, p. 86.

^{4.} Ibid, p. 81.

The act in its entirety deals more largely with the question of revenue than anything else. Every ship load of passengers increased the charges for the maintenance of the poor. The taxes had reached a point where it was questioned seriously whether a further increase was advisable. viting private donations, setting the able poor to work, compelling them to contribute something to their support, it was hoped the increased expense could be met without resorting to an increase of the tax rate that already threatened the ruin of the taxpayers. The second part, no doubt, received the hearty approval of the substantial inhabitants of the province, but as to the wisdom of the first, opinion was likely divided. It was confirmed by the King in Council on the second of August 1750 (1) and continued in force until 1771 when it was repealed.(2)

A few acts of minor importance must be considered briefly before taking up the Philadelphia Act of 1766. At the sessions of the assembly of 1749-1750 an act was passed regulating the number of passengers on ships entering the port in order to lessen the possibilities of contagious distempers and prevent an increase of sick and helpless dependents who, immediately on landing, became public charges. Wholesome food had to be pro-

^{1.} Statutes-at-Large, Vol. V, p. 86. For the discussion of the bill in Council, amendments and suggestions made and final approval by the governor and council, see Colonial Records, Vol. V, pp., 371-372. Also, pp. 396 and 403.

^{2.} Statutes-at-Large, Vol. VIII, pp. 75-96,

vided, also a space six feet in length and eighteen inches in width for every passenger, to which a subsequent act added a height of three and three-fourths feet (1) and authorized the imposition of a fine of ten pounds for every violation thereof, of which one half was to be used for the Province Island Pest House. The Collector of the Port was authorized to board and examine every ship as to its compliance with the provisions of the act. (2)

In 1751 representations were made to the assembly that divers persons were inclined to contribute largely toward the establishment of a common provincial hospital for the treatment of the sick poor, poor distempered persons and lunatics, if such contributors could be incorporated with full corporate powers and privileges of administration. In accordance with this expressed wish, a bill was passed incorporating the "Contributors to the Pennsylvania Hospital" into a body politic with full corporate powers to elect officers, adopt bylaws, rules and regulations, not inconsistent with the laws of England and the province, and to hold such property, etc., as may be necessary to carry out the intentions of the contributors. As soon as

^{1.} Statutes-at-Large, Vol. VI, p. 433.

^{2.} Statutes-at-Large, Vol. V, pp. 94-97. "That from and after the publication of this act no master or commander of any ship or other vessel whatsoever bound to the port of Philadelphia or elsewhere within this province shall import into the river Delaware or into any port within the province of Pennsylvania, etc., etc.," (Statutes-at-Large, Vol. V, p. §6).

they had provided a capital fund of two thousand pounds the Speaker of the Assembly was to authorize and require the treasurer of the province or the trustees of the loan fund to pay into the contributors' fund two thousand pounds in two yearly payments to be applied to the erection and furnishing of the buildings for the said hospital. The corporation was required to publish an annual statement of receipts, disbursements and results accomplished as well as provide for its continuance by electing yearly a board of managers and other necessary officers. Failure at any time to comply with the terms of the act of incorporation forfeited the charter with reversion of the institution to the province.(1) In this union of public and private charity we find the actual beginning of the subsidy system, now so common with our charitable institutions, as well as the foundation of the Philadelphia System.

An additional burden as well as an unwilling people was forced upon the province in 1755 when the Governor and Council of Nova Scotia (Acadia) deemed it best for English interests in that province to deport by force some five thousand of its inhabitants and distribute them among the colonies from Massachusetts to Georgia. Those assigned to Pennsylvania arrived in abject distress and utterly incapable of supporting themselves. The assembly appointed commissioners to distribute them among the counties of Philadelphia, Bucks, Chester

I. Statutes-at-Large, Vol. V, pp. 128-136.

and Lancaster and required the overseers of the poor to receive them, provide employment, purchase stock and utensils of husbandry and settle them in the most advantageous manner for self support. The expenses were to be paid out of the sixty thousand pounds granted for the King's use.(1) The next year this was repealed, because the poor laws were inadequate and broke down under the strain to which they were subjected, and a new act passed which broke up the family relationship. The children were to be bound out as apprentices while the parents were to be supported through the regular channels of relief.(2) In the fall of that year it was found that the overseers had advanced considerable sums out of their personal funds and also staked their credit for other sums needed to meet the requirements of the previous acts and administer a badly strained poor law. To relieve the overburdened overseers the assembly decided to strike off fifty thousand pounds in bills of credit for the King's use from which a sufficient sum should be appropriated for the purpose stated.(3) This experience demonstrated the need for a revision of the poor laws of the province, because they proved incapable of sustaining any extraordinary emergency. As the country was in the throes of war, the matter of revision languished

^{1.} Statutes at-Large, Vol. V, pp. 215-219. Also, Colonial Records, Vol. VIII, p. 321.

^{2.} Ibid, Vol. V, pp. 279-280.

^{3.} Ibid, pp. 313-315. Colonial Records, Vol. IX, pp. 3-4.

until 1771, and in the meantime the temporizing process was continued.

During the French and Indian War several thousands of the indentured servants, preferring a period of military service with freedom on being mustered out, enlisted in the quotas from Pennsylvania.(1) This led to considerable friction between their masters and the authorities which was finally adjusted by reimbursing them for the losses sustained.(2) While this appeared the owners, it did not forestall the evils of disturbed social conditions and the disorders that always follow in the wake of war. German immigration practically ceased during the war, but in lieu thereof, the importation of negro and mulatto servants became so alarming that in 1761 a restrictive measure was passed which imposed a duty of ten pounds per head in addition to the port charges, fines and penalties of the restrictive law of 1742.(3) Fortunately, this measure was allowed to become a law by lapse of time and thus relieved the inhabitants from what would otherwise have resulted in an augmentation of dependents.

The war came to a close in 1763 with the Treaty of Paris. The task of repairing the injuries wrought by it now engaged the attention of the province. Social and economic conditions were badly disturb-

^{1.} Geiser—Redemptioners and Indentured Servants in Penasylvania, p. 36. Also, Colonial Records, Vol. IV, p. 468.

^{2.} Statutes-at-Large, Vol. VI, pp. 251-252.

^{3.} Ibid, pp. 104-110.

ed. Many of the indentured servants had become freemen, but were confronted with the problem of getting a start in the peaceful pursuits of life. Many were left in straitened circumstances with the possibility of falling below the poverty line and swelling the ranks of the dependents. The volume of foreign immigration increased rapidly and with it also the number of the impotent and the defective. These, together with the destitute and distressed already in the province, greatly increased the number that had to be cared for by charitable agencies.

Following the war the relief problem was more acute in Philadelphia and its outlying districts than elsewhere in the province. In 1765 when the overseers, through the grand jury, applied to the assembly for enlarged accommodations, there were one hundred and fifty out-pensioners while the total cost for the maintenance of the poor was three thousand two hundred pounds, (1) of which eight hundred and fifteen were contributed by the people. The next year it exceeded four thousand pounds, (2) proving how fruitful the system was in creating the pauperism it was designed to relieve. (3) The assembly responded to the appeal of the overseers by passing the Act of February Eighth, 1766. (4) The preamble thereof recited how "very burdensome and expensive to the inhabitants" the

^{1.} Watson-Annals of Pennsylvania, Vol. III, p. 334.

^{2.} Gordon-History of Pennsylvania, p. 412.

^{3.} Ibid, p. 411.

^{4.} Statutes-at-Large, Vol. VII, pp. 9-17.

charge for the poor has become and the possibility of its increase without affording the poor the necessary comforts, and how that divers persons, charitably disposed, would contribute largely towards the cause, if the contributors might be incorporated with proper privileges for carrying on and completing the same, and raise a sum of money in the city, the district of Southwark and the townships of Moyamensing and The Northern Liberties for the employment, relief and support of the poor.(1) It was, therefore, provided that all who contributed ten pounds to a fund for the erection of new buildings for the use of the poor, or as many of the contributors as saw fit, were to meet on the second Monday of May of that year, and, thereafter, yearly forever on the same day in the same month and elect, as custodians of the contributions and of the buildings erected, twelve of their number as "Managers" together with "one other person to be treasurer until the next annual election."(2) They were created a body politic and corporate with full powers to prescribe rules, regulations and by-laws, not repugnant to the laws of England and of the province (3) for their governance as well as for that of the almshouse and the house of employment with the revenue and other things belonging thereto. As soon as the contributors had organized and raised a fund of one thousand five hundred pounds, the city of Phila-

^{1.} Statutes-at-Large, Vol. VII, p. 9.

^{2.} Ibid, pp. 9-10.

^{3.} Ibid, p. 11.

delphia was to raise two thousand pounds in the form of a loan, secured, by a mortgage on the old almshouse property, and pay the same to the treasurer of the corporation to be applied towards the purchase of a plot of ground and the erection of the necessary buildings; the mortgage to be cancelled by the sale of the old grounds and buildings after the new were completed and the inmates transferred; and the surplus, if any, to be applied and appropriated by the Managers for the purposes specified in the act.(1) The districts' proportionate share of the expense for the establishment of the new plant was to be raised by a special tax extending over five years in addition to the tax for yearly maintenance.(2) If the revenue derived from these sources should prove insufficient to defray the expense incurred in the purchase of the grounds and the erection of the new buildings, the Managers were authorized to negotiate a loan not exceeding one thousand pounds secured by the issuance of transferable certificates of indebtedness and require the overseers to levy a special tax, if necessary, for its extinguishment. (3) The books of the corporation were to be open at all times for inspection and an annual statement to be published for the benefit of all.(4)

The managers were required to purchase sufficient land and erect thereon a commodious build-

^{1.} Statutes-at-Large, Vol. VII, pp. 11-12.

^{2.} Ibid, p. 12.

^{3.} Ibid, pp. 13-14.

^{4.} Ibid, p. 14.

ing, or buildings, the one to be known as the "Almshouse" for all such poor persons as "shall be incapable of contributing towards their support by their labor," and the other part or parts to be a house for the employment of all the poor who "shall be able to work," and "receive, provide for and employ," all who are sent there from the city and the districts named on the order of two justices of the peace.(1) The next two sections made it imperative upon the managers to receive into the house of employment upon commitment, loose, disorderly, idle and dissolute persons, as well as rogues and vagabonds, and employ them at hard labor under rigid discipline.(2) The remaining two sections required the overseers of the poor to pay the moneys raised by the poor taxes, after deducting the necessary expenses for levying and collecting, to the treasurer of the corporation for the uses aforesaid.(3)

When the next assembly met, a supplementary act (4) was necessary in order to relieve the managers from their financial embarrassment. They had expended five thousand seven hundred and fifty pounds in the discharge of their obligations and

^{1.} Statutes-at-Large, Vol. VII, p. 15.

^{2.} Ibid, pp. 15-16.

^{3.} Ibid, pp. 16-17. For the Governor's and Councils' action on this measure, see, Colonial Records, Vol. IX, pp. 243 and 293. Also, Watson—Annals of Pennsylvania, Vol. III, p. 334, and Gordon—History of Pennsylvania, p. 412.

^{4.} Act of February 21, 1767.

incurred a debt equal to the same amount. (1) For the cancellation of this debt and for the completion of the buildings, they desired authority to negotiate an additional loan of six thousand pounds on the credit of the old lot or other security.(2) The assembly granted their request and in addition authorized the conveyance of the old property to them with power to use the same in the most advantageous way for discharging the debts of the corporation and the realization of a surplus for the completion of the buildings.(3) Should there still remain a deficit, it was to be met by a just and proportional tax on all estates real and personal in the city and districts.(4) The rogue and vagabond section of the original bill was added and in this form it became a law, February 21, 1767.(5) With this additional aid the buildings were finished and opened for the reception of the poor in October of the same year. Two hundred and eighty-four persons were admitted at the opening and by the close of the year it had risen to three hundred and sixty-eight.(6) At the fall session of the assembly the managers again reported that the previous authorized loans were insufficient to complete the whole and requested authority to borrow an additional eight thousand pounds on the same credit,

- 1. Statutes-at-Large, Vol. VII, p. 75-76.
- 2. Ibid, p. 76.
- 3. Ibid, p. 77.
- 4. Ibid. p. 78.
- 5. Ibid, p. 78. See also Colonial Records, Vol. IX, p. 394.
- 6. Watson—Annals of Pennsylvania, Vol. VII, p. 334, Also, Gordon—History of Pennsylvania, p. 412.

to be cancelled by another tax on all estates, real and personal, in the city and districts aforesaid in case it could not be cancelled by the sale of the old property.(1) The assembly once more granted their prayer and with this additional loan, the buildings, after the expenditure of over twelve thousand pounds, were finally completed and the plot of ground at Tenth and Spruce Streets paid for.(2) The financial troubles of the managers, however, were not ended. On account of the distressing financial conditions then prevailing in the province, they were unable to dispose of the old almshouse property and, as a result, the assembly had to come to their relief once more by the passage of a bill to strike off fourteen thousand pounds in bills of credit for liquidating the outstanding obligations, (3) The same year it passed also an amendatory measure to compel the overseers of the poor to collect the taxes levied and pay the same to the treasurer of the corporation, subject to a fine of fifty pounds for failure to comply therewith.(4) This was continued from year to year until 1771.(5)

Reference to provisions in two of the above acts relating to rogues, vagabonds, etc., in Philadelphia

^{1.} Statutes-at-Large, Vol. VII, pp. 143-145. Also, Colonial Records, Vol. IX, pp. 470 and 593; and 446 and 637 and 640.

^{2.} Watson—Annals of Pennsylvania, Vol. III, p. 334. Gordon—History of Pennsylvania, p. 412.

^{3.} Statutes-at-Large, Vol. VII, pp. 197-204.

^{4.} Ibid, pp. 159-161.

^{5.} Ibid, p. 310.

and vicinity has already been made. These classes were increasing at an alarming rate and at the sessions of the assembly in 1767 the above provisions were expanded into a general act for the whole province with the expectation that it would effectually check the evil. Where no workhouses existed, their erection was authorized and a system of management prescribed. All rogues, vagabonds, etc. were to be arrested and prosecuted wherever found, and when committed, to be employed and disciplined with the utmost rigor.(1)

During the last twenty years private charity had been equally active. Religious denominations were busy caring for those of their own faith while public spirited people liberally assisted other private charitable societies. When Governor Thomas left the province, addresses were presented to him thanking him for his contributions to various charities.(2) Large contributions were made to the Pennsylvania Hospital in 1751 and at a later time also for the poor of Philadelphia and vicinity. During the closing years of the decade of 1760 to 1770 a series of letters appeared in the Philadelphia papers extolling the benefit and blessing of charitable contributions with comments on the charitable disposition of the inhabitants of the province. (3) In February of the last year of the decade the assem-

^{1.} Statutes at-Large, Vol. VII, pp. 84-88.

^{2.} Pennsylvania Journal, June 4, 1747, No. 237. Also, Pennsylvania Gazette, May 28, 1747, No. 693.

^{3.} Pennsylvania Gazette, February 28, 1771, No. 2201 and following weekly issues.

bly incorporated a society whose object was to provide a fund for the care and maintenance of aged and distressed pilots and masters of vessels.(1) Every new call for aid in behalf of the destitute and the poor was heartily responded to by the people, though entirely oblivious to the fact that their methods were fostering the very pauperism which they sought to prevent as well as remove.

The Pennsylvania Hospital, incorporated and established by private and public contributions in 1751, proved eminently successful as a charitable institution and early in its history became an object of pride to the province.(2) This success, no doubt, stimulated and encouraged the movement in 1766 to place the administration of poor relief in Philadelphia upon a similar basis. The second experiment did not prove as successful as the first. It opened as much laxness in the system as it closed. The change reduced the overseers to mere taxgatherers and administrators of out-door relief and displaced a system that had been in operation since the founding of the city. When the general law of 1771 was passed, it was still in its experimental stages. The final results of its operations belong to the next chapter,(3) but we must note in passing that as the act or acts pertained to Philadelphia and its outlying districts

^{1.} Statutes-at-Large, Vol. VII, pp. 341-346. Also, Pennsylvania Journal, March 28, 1771, No. 1477.

^{2.} Pennsylvania Gazette, February 28, 1771, and subsequent issues.

^{3.} Chapter V. below.

only, it marks the beginning of the system of private and local legislation which came to full fruition in the next century, as well as the point of divergence from which Philadelphia developed a poor law of its own.

Pennsylvania conditions in 1771 may be summarized as follows: the province was suffering from an excessive issue of paper currency attended by its twin evils, depreciation and distress; it was agitated over the dispute with the mother country; its prisons were filled with insolvent debtors rendered incapable of paying their debts, while their wives and children were reduced to poverty; the Philadelphia almshouse was crowded with dependents; a horde of rogues, vagabonds and idle and dissolute persons swarmed everywhere; ship load after ship load of German indentured servants and redemptioners were dumped upon her shores thus aggravating conditions already well-nigh unbearable; the poor law, as noted above, unable to bear the extra strain it was subjected to in 1756, broke down completely, while the Philadelphia plan failed to accomplish all that was expected by its advocates. collapsed superstructure and the crumbled foundations were useless and, consequently, the Assembly of 1771 removed the debris and reconstructed the law anew; the result of its labors was the law of 1771, commonly known as the foundation of the Pennsylvania Poor Law.

This law, like the 43d Elizabeth, cap. II., is practically without a preamble to show what the evils were which it sought to remedy. It merely

declares that "the laws hitherto made for the relief of the poor have not answered all the good purposes that were expected from them,"(1) and then proceeds at once with the task of reconstruction. No doubt, it was wisdom not to attempt an enumeration of evils because they were so self-evident that any enumeration would have been superfluous. A summary of its important features follows:

- 1. The Overseers. The provisions of the acts of 1705 and 1749 concerning the appointment of overseers, their incorporation and their authorization to receive and accept gifts, bequests, etc., were re-enacted, but the township was made the basis for appointment and administration. Two were to be named for every township, four for Southwark, Moyamensing and The Northern Liberties respectively, and twelve for Philadelphia. Service was made obligatory and every appointee was obliged to take an oath or affirmation on assuming the duties of his office. Heavy penalties were imposed for refusal to serve and for negligence in office. (2)
- 2. Duties of Overseers. These relate to revenue, to providing houses for the employment of the poor and to binding out children. Upon a warrant from the magistrates they were to assess and levy all taxes for the maintenance and support of the poor. These taxes were to be levied upon the yearly value of all estates, real and personal, and on all taxables not otherwise rated. They were to

^{1.} Statutes-at-Large, Vol. VIII, p. 75.

^{2.} Statutes-at-Large, Vol. VIII, pp. 75-76.

be repeated as often in a year as might be necessary; payment was made compulsory and defaulters were to be imprisoned. Full and accurate yearly statements of receipts and expenditures were to be made to the auditors who were empowered to allow only such parts as to them seemed just and reasonable. They were also required to provide proper places and houses and stock them with a sufficient supply of hemp, flax, thread and other things necessary for setting to work such able poor people as applied for relief in order that they might contribute something toward their maintenance and support; to furnish relief to the old, blind and poor who were unable to work, and with the consent and approval of two or more magistrates, to bind out all poor children as apprentices until they attained their majority.(1)

- 3. Settlement. The provisions of the Law of 1735 which required every one on entering the province, or in moving from one district into another to file a statement of his family with the overseers in order to gain a legal settlement was repealed. Settlement was again based on length of residence, occupation and payment of the tax levies. Legally imported European servants gained a legal settlement after two months' service with their first master or mistress after landing, but afterwards, if serving in another place, twelve months' service was required.(2) The remaining provisions on
- 1. Statutes-at-Large, Vol. VIII, pp. 76-82. Also, Scharf and Westcott-History of Philadelphia, Vol. I, p. 264.
 - 2, Legally imported European servants gained a legal

settlement are essentially those of the Law of 1735.(1)

- 4. Desertion. Whenever a husband deserted his wife and children, or a woman her children. the overseers, where such desertion occurred, were authorized to obtain a warrant from two magistrates or justices of the peace to take and seize such goods and chattels of the husband, father, or mother. and receive the rentals thereof so far as may be necessary to provide for such wife and the maintenance and bringing up of such children. If the Court of Quarter Sessions at its next session confirmed the previous action, the goods and chattels might be sold, or so much thereof as might be necessary to provide the needed funds; and for the want of goods or chattels, the offending husband or wife was to be bound over for court, or committed to prison until proper satisfaction was made.(2)
- 5. Repeal. The acts of 1705, 1718, 1735, 1749 and the altered financial provisions of the Act of 1766 relating to Philadelphia and the surrounding districts were repealed. It was to remain in force

settlement, "in the city, borough, township or place in which such servant shall first serve with his or her master or mistress the space of sixty days, and if afterwards such servant shall duly serve in any other place for the space of twelve months, such servant shall obtain a legal settlement in the city, borough, township or place where such service was last performed, either with his or her first master or mistress, or on an assignment." (Statutes-at-Large, Vol. VIII, p. 85.)

^{1.} Statutes-at-Large, Vol. VIII, pp. 84-92.

^{2,} Ibid, pp. 93-94.

five years, and thence to the end of the next sitting of the assembly(1) and no longer.(2)

The act was more a compound of all the previous acts, embodying what in each was considered best and most serviceable, than a body of distinctly new provisions. The following are the important changes which it introduced: it made the township the unit of administration; service of overseers was made obligatory and without compensation; an oath or affirmation was required and a heavy penalty added for refusal to serve, or neglect in service; tax levies could be repeated as often in a year as was deemed necessary, while payment was compulsory with imprisonment for defaulters; the principle of employment for the poor was extended to the whole province; the harsher features of the settlement provisions were eliminated; and seizure of goods or chattels for desertion ordered. The latter is the only distinctly new provision it contains. Its chief emphasis is on efficiency of administration, because the previous acts failed in this respect. After two re-enactments

- 1. Statutes-at-Large, Vol. VIII, p. 95. See also, Colonial Records, Vol. IX, p. 721. Bolles—Pennsylvania: Province and State, Vol. II, p. 286. Howard—Local Constitutional History of the United States, pp. 196 and 385. Gordon—History of Pennsylvania, p. 552. Gould—Local Government in Pennsylvania, in Johns Hopkins University Studies, p. 30.
- 2. "That this act shall continue in force for the space of five years and from thence to the end of the next sitting of the assembly and no longer." (Statutes-at-Large, Vol. VIII, p. 95.)

it remained Pennsylvania's Poor Law until 1836 when it was repealed by the act of that year.

Expansion and reconstruction characterize the Middle Period. It opened with the repressive measures against impotents and convicts which were followed by the Supplementary Act of 1749. The latter made the overseers corporate bodies, invited private contributions to supplement the public revenues for poor relief and introduced the principle of employment for the ablebodied poor in Philadelphia. By the establishment of the Pennsylvania Hospital through private contributions and public support and the passage of the subsequent act placing poor relief administration in Philadelphia upon a similar basis the foundation of the subsidy principle in charitable work was laid. The evils of war, the excessive immigration, the unprecedented rapid development of the country, the inability to care properly for the deported Acadians and the evils of an inflated depreciated currency, all combined to break down the old laws, necessitating the construction of a new one out of what was best and most serviceable in the old. The result was the Law of 1771.

Chapter V.

LEGISLATION FROM 1771-1798.

During the first years of this period the country was passing through the exciting events that led to the revolution and the renunciation of British allegiance. The long drawn out struggle that preceded the inauguration of the national government produced a number of very perplexing problems. The change from the Proprietary charter to the Articles of Confederation and from the latter to the Federal constitution, together with the adoption of two state constitutions, created a bewilderment of legal and constitutional questions that were attended with more or less acrimony and bitterness. The social, political and economic welfare of the people demanded the wisest minds and strongest personalities to guide it successfully through the troublous times. While the political and the economic legislation was revolutionary, the social followed the old and well marked grooves.

The Law of 1771 (1) went into effect with scarcely more than a ripple on the surface. At once conditions assumed a more healthy and hopeful tone, confidence was re-established, a brighter day was dawning and everybody was looking hopefully to the future. When the time of its expiration was approaching the province was verging toward independence. The administrative results, however, were so excellent that no one thought of

^{1.} Statutes-at-Large, Vol. VIII, p. 75.

making any changes and, therefore, in April 1776 a brief act was passed making it perpetual, except the limitation clause.(1) Two years later, after the Declaration of Independence and a new state constitution had been adopted the continuation question came up again on account of the changes in he government. The new act stated in its preamble that it "has been found by experience of great utility, and by the limitation thereof is now expired,"(2) therefore, it is enacted by, "The Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same" that, "every clause, article, matter or thing therein contained, except the clause limiting the continuance of the said act shall be and is hereby declared to be in full force, anything in the said act to the contrary notwithstanding."(3) When the previous act was passed making the Act of 1771 perpetual, Pennsylvania was still a colony with allegiance to Great Britain. In the meantime, however, this allegiance was renounced and now it was a free, independent and sovereign state. Consequently, a renewal under the new sovereignty was deemed essentially necessary in order that the law might have legal force and recognition.

We must retrace our steps now in order to examine briefly a few other acts for the purpose of obtaining a better and more complete knowledge of the

^{1.} Statutes-at-Large, Vol. VIII, p. 474.

^{2.} Ibid, Vol. IX, p. 228.

^{3.} Ibid.

prevailing social and economic conditions. efforts of the provincials to exclude the undesirable elements of a population in order to reduce their burdens was continued without relaxation. 1761 an act was passed which imposed a duty of ten pounds per head in addition to the port charges upon every negro or mulatto servant imported into the province with stringent regulations to prevent smuggling.(1) In 1768 it was renewed for five years and when it expired by limitation in 1773 a new act was passed by which it became perpetual with an additional provision that made it practically prohibitive in its operations.(2) "Whereas the laying of an additional duty on negro and mulatto slaves, imported into this province, will be of still greater public advantage, therefore, be it enacted," (3) that "for every negro and mulatto servant" (4) imported into this province an extra duty of ten pounds per head over and above that of the previous act be imposed in addition to the port charges. This practically re-enacted the act of 1712(5) which was disallowed in Council at the solicitation of certain English merchants who had contracts to supply slaves to colonies in America. In its amended form the act was allowed to become a law by lapse of time and the desire to exclude slavery from the province, fostered and nourished

^{1.} Statutes-at-Large, Vol. VI, p. 104.

^{2.} Ibid, Vol. VII, p. 158.

^{3.} Ibid, Vol. VIII, pp. 330--332.

^{4.} Ibid.

^{5.} Ibid, Vol. II, pp. 433-436.

since its foundation, was at last realized. It opened the way to prepare the minds of the people for the abolition of slavery in 1780. The next year the bringing in of persons afflicted with contagious diseases was also restricted by statute.(1) While the attention of the Privy Council was absorbed by the dispute between the mother country and the colonies, the assembly seized the opportunity and passed these much desired measures. They were defensive in character and materially contributed to the effectual operation of the Law of 1771. These were the last relief measures under British allegiance. When the next ones came up for consideration the province had moved so far toward independence that whatever allegiance existed was only nominal and by the time they reached final passage the Declaration of Independence had been adopted and proclaimed.

The war which began in 1775 brought with itself a new class of dependents; the wives and children of poor Associators called into actual service who were not able to maintain themselves. Among the resolves adopted by the assembly, November Twenty-fifth, 1775, was the following: "If any associator, so called into actual service, shall leave a family not of ability to maintain themselves in his absence, the justices of the peace of the city or county, and the overseers of the poor of the city, township, or district respectively, shall immediately make provision for the maintenance

^{1.} Statutes-at-Large, Vol. VIII, pp. 369 at sequor.

of such family."(1) One of the most important features of the Law of 1771 was systematization in administration. The saving thus effected afforded great relief to the inhabitants and, therefore, when the wives and children of the men in active military service had to be cared for, there was no repetition of the Acadian case of 1756.(2) When the duty of caring for the wives and children of the soldiers in active service was assigned to the overseers and the justices of the peace conjointly, it was for the purpose of maintaining the efficiency of the existing administration. As the war progressed the number increased and, therefore, the Committee of Safety instructed the Committees of Inspection and Observation in every city and county to appoint additional judicious persons (3) to assist the over-



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in the performance of its duties the Assembly of the Freemen of the State of Pennsyivania passed an act which continued in office and provided that "all coroners, constables, overseers of the poor and supervisors of the highways who were lawfully in office at the time of, or immediately after the dissolution of the late government of this state shall continue to exercise the powers and perform the duties of their respective offices until a new appointment or future provision shall be made in such case."(1) The next year a more comprehensive measure was enacted for the purpose of putting in force such of the old laws as were deemed necessary in which the above was again incorporated strictly enjoining the overseers "to exercise their several and respective powers and execute, do and perform all the business and duties of their several respective offices until others are appointed in their stead or places."(2) We noted already that the Act of March Twenty-fourth, 1778 (3) renewed and made perpetual the Act of March Ninth, 1771. except the limitation clause. By these three acts the Law of 1771 was continued in force during the change of sovereignty and relief was administered uninterruptedly.

The Act of 1766 (4) relating to Philadelphia con-

^{1.} Statutes-at-Large, Vol. IX, pp. 17-18.

^{2.} Ibid, Vol. IX, p. 32. See also, Poore—Charters and Constitutions, Pt. II, p. 1540 et sequor. Statutes-at-Large, Vol. IX, pp. 43-44.

^{3.} Ibid, p. 38.

^{4.} Ibid, Vol. VII, pp. 9-17.

tinued in operation uninterruptedly until the occupation of the city by the British in 1777. When the time came for choosing new managers in May, 1778, it was still in the hands of the British and an election was impossible. In April following the assembly by act (1) appointed twelve persons to serve as managers until the contributors could meet in annual convention and elect a new board. The Act of March Ninth, 1771, provided for a rate of assessment not exceeding at any one time "three pence in the pound on all estates, real and personal, and six shillings per head on every free-man not otherwise rated for his estate," to be repeated as often as was found necessary.(2) This was found inadequate for the comfortable maintenance and support of the poor and as "the frequent repetition thereof would be very inconvenient to the overseers of the poor and very troublesome to the inhabitants,"(3) therefore, it was made lawful by the second section of the act for two of the judges of the City Court, and two justices of the peace for the County of Philadelphia, to issue their warrants under their hands and seals, directed to the overseers of the poor to levy, collect and raise a rate not exceeding one shilling and six pence in the pound on the yearly value of all estates, real and personal, and thirty-six shillings per head on every free-man not otherwise rated, and to repeat the

^{1.} Statutes-at Large, Vol. IX, p. 357.

^{2.} Ibid, Vol. VIII, pp. 75-96.

^{3.} Ibid, Vol. IX, p. 358.

said rate as often as may be found necessary.(1) This amendment to the above act effected only one provision specifically and that only so far as related to Philadelphia and the surrounding townships. The following sections renewed the act including its limitation clause.(2) It was to be in force for the space of five years and from thence to the end of the next sitting of the assembly. In the fall of the same year (1779) a similar act was passed for similar reasons, operative on all counties, districts and townships within the state.(3) The tax was to be authorized by the warrants of two justices of the townships, districts, or counties, but the rate was largely in excess of that for the city and its outlying districts, viz., seven shillings and six pence in the pound on the yearly value of all estates, real and personal, and not more than six nor less than three pounds per head on all free-men not otherwise rated and to be repeated as often as may be found necessary.(4) The usual provision for the continuance of the Act of 1771 was inserted, except as modified by this amendatory act.(5) Both amendments, together with the limitation proviso of the first, were repealed by the Act of March Twenty-fifth, 1782.(6)

The war was unfavorable for the administration

^{1.} Statutes-at-Large, Vol. IX, p. 359.

^{2.} Ibid.

^{3.} Ibid, Vol. X, pp. 32-33.

^{4.} Ibid, pp. 32-33.

^{5.} Ibid.

^{6.} Ibid, pp. 401-406.

of the Philadelphia system inaugurated by the Act of 1766.(1) The death of some of the contributors and the legal disability of others caused by the war, depleted their ranks to such an extent that it was difficult to secure a succession of managers out of the qualified survivors for discharging the assumed duties and obligations. The poor of Philadelphia and its surrounding townships were exceedingly burdensome to the inhabitants in consequence of which an increase of expense was more likely than a decrease.(2) The depletion of the ranks of the contributors decreased the income from that source, and this, coupled with the difficulty of securing the required succession, threatened the collapse of the system. To forestall the results of such a castrophe the assembly by the Act March Twenty-fifth, 1782, (3) provided a legal succession in the persons of the overseers of the poor, should the contributors at the next May meeting, or any following May meeting, fail to elect managers, or the managers, so elected, fail to organize and discharge the duties and functions of their offices.(4) In such case the overseers were to succeed to all the "powers, authorities, rights, claims, demands, interest and estate, real, personal and mixed, which then shall be of the said corporation, in as ample a manner, and for the same uses and purposes as the same are, or were invested in, or

^{1.} Statutes-at-Large, Vol. VII, pp. 9-17.

^{2.} Ibid, Vol. X, p. 401.

^{3.} Ibid.

^{4.} Ibid, p. 402.

ought to be exercised, possessed or enjoyed by the said corporation."(1) They were also to be a body politic and corporate under the name and title of the "Guardians of the Poor in the City of Philadelphia," with all the powers and limitations of the old corporation.(2) Half yearly six of the twelve guardians were to be appointed to superintend the almshouse and the house of employment, during which time they were exempt from all the other duties of the office of overseers of the poor, these being performed by the remaining six.(3) In case of sudden necessity, one overseer with the consent of one justice of the peace could extend relief not exceeding the value of three pounds.(4) justices of the peace were to appoint the overseers half yearly in September and March "so that there may be always some experienced men in office."(5) Service was compulsory and fines imposed for refusal or neglect to serve.(6) Idle, vagrant and dissolute, and lewd and drunken persons were to be committed to the house of employment, and the overseers authorized "to bind out by indenture or deed poll *** to any master or mistress, and his or her assigns, who will advance and pay such consideration for such service as the said overseers shall think fit to accept for the same."(7) Married men and women

- 1. Statutes-at-Large, Vol. X, p. 402.
- 2. Ibid, pp. 402-403.
- 3. Ibid, p. 403.
- 4. Ibid.
- 5. Ibid.
- 6. Ibid, p. 404.
- 7. Ibid.

and all persons of the age of forty years and upwards were exempted by this provision and no binding out was to be for a longer term than sufficed to cover the expenses incurred in their committal and residence in the house of employment; the maximum period, however, not to be over three years.(1) The Act of 1771 having been found "by experience to be of great public utility,"(2) was revived, re-enacted and made perpetual in every article, clause, matter and thing, except the limitation clause and such parts as were altered, amended or supplied hereby, especially the assignment of the duties heretofore exercised by the mayor, or recorder and aldermen to the justices of the peace.(3) The acts of the Second of April and Twenty-Seventh of November, 1779, were repealed as was also that part of the Act of 1766 which incorporated the township of Passyunk with the townships of Moyamensing and The Northern Liberties.(4)

When the act of the Twenty-seventh of March, 1789, became a law, the old corporation, known as "The Contributors to the relief and employment of the poor in the City of Philadelphia," had ceased to exist, because it had failed to choose managers as required by law and the overseers of the poor had been invested with all their rights, powers, claims, interests, etc., under the name and title of

^{1.} Statutes-at-Large, Vol. X, p. 404.

^{2.} Ibid, p. 405.

^{3.} Ibid.

^{4.} Ibid.

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"The Guardians of the Poor in the City of Philadelphia."(1) Since the six who superintended the almshouse and the house of employment were exempt from all other duties, complaint was made on the part of the other six that they were overburdened with administrative duties, especially by the collection of the poor taxes; wherefore, they were authorized by an act of the legislature to appoint a collector or collectors of the poor taxes who were to give bond with surety for the faithful discharge of their duties, and receive a compensation not exceeding five pounds on the thousand respectively received.(2) They were authorized in addition to appoint one of their number as treasurer who was to receive from the collectors all moneys collected by them for the use of the poor and disburse the same on orders from the guardians.(3)

The act of the Twenty- fifth of March, 1782, provided for the binding out of lewd and disorderly persons in order to compel them to pay by service the expenses incurred on account of their wrongful conduct. (4) To commit such characters to the house of employment for the worthy poor, even for a period no longer than is necessary to bind them out, was represented as "inconvenient, improper and pernicious, inasmuch as the said almshouse, or

^{1.} Statutes-at Large, Vol. XIII, p. 251. Also. P. L. (Dallas) Vol. I, p. 615.

^{2.} Ibid, Vol. XIII, p. 251. Also, P. L. (Dallas) Vol. I, p. 615.

^{3.} Ibid.

^{4.} Ibid, Vol. X, p. 401.

house of employment is calculated for the accomodation of the poor and infirm and not for the reformation of the idle and profligate, and the intermixture of persons who are sent thither as subjects of punishment, with those who are admitted as objects of charity, may be the means of extending depravity of morals and manners, which is ever fatal to the well-being of society and the peace and order of government,"(1) wherefore it was enacted that hereafter all disorderly persons apprehended be committed to the workhouse of the County of Philadelphia; that it be unlawful to commit any such person whatsoever to the house of employment for the poor and that all such who are now maintained therein be removed by the overseers as soon as convenient and placed in charge of the keeper of the workhouse aforesaid.(2) The next year the reformed penal law statute was enacted, section eleven of which authorized the "Mayor, or any Alderman of the City of Philadelphia and any justice of the peace of the said county to commit any vagrant or idle and dissolute person' upon conviction to the workhouse of the county gaol instead of the house of employment for the poor of the city.(3)

In 1791 the freeholders of Moyamensing township represent to the assembly that they were sub-

^{1.} Statutes-at-Large, Vol. XIII, pp. 251-255. Also, P. L. [Dallas] Vol. I, p. 678.

^{2.} Ibid, p. 688.

^{3.} Statutcs-at-Large, Vol. XIII, p. 516, Also, P. L. [Dallas] Vol. II, pp. 805-806.

ject to a very heavy tax for the support of the poor on account of the large number of paupers coming into Philadelphia and gaining a settlement there; in fact, far more than their just share, and therefore. requested a separation from Philadelphia in order that they might support their own poor. Their request was granted and the township erected into a separate poor distrsct by an act which passed the assembly on the Ninth of April of that year.(1) Of the original territory incorparated by the act of February Twenty-seventh, 1766 (2) only the City of Philadelphia, Southwark and The Northern Liberties remained. The original corporation which it created failed and was succeeded by the "Guardians of the Poor in the City of Philadelphia," who administered the law until 1803 when it was repealed. Its career was stormy and troublous from the beginning and when it had to pass through the fires and perils of the Revolution and meet the extraordinary demands of that time it failed and gradually passed out of existence.

On the eve of the Revolution a prohibitive measure was enacted against the importation of negro and mulatto servants.(3) From this to abolition was an easy step. On the First of March, 1780, (4) while the war was still in progress, a bill for gradual abolition became a law. Children born of

^{1.} Statutes-at Large, Vol. XIV, pp. 73-74. Also, P. L. (Carey and Bioren) Vol. IV, p. 38.

^{2.} Ibid, Vol. VII, pp. 9-17.

^{3.} Ibid, Vol. VIII, pp. 330-332.

^{4.} Ibid, Vol. X, p. 69 et sequor.

slave parents were to be free at the age of twentyeight, while those who held slaves for life had to register them before the First of November; otherwise they could not be so held. If the owner of a slave child abandoned it, the overseers of the poor were authorized to bind it out as an apprentice until it reached the age of twenty-eight and no longer.(1) On account of abuses which crept into the administration of the act a supplementary act became necessary in 1788.(2) Thereafter slaves brought into the state by persons who intended to reside therein should be deemed free. A fine of seventy-five pounds was to be imposed upon any one who removed a slave, bound for a term of years, from the state without the slave's consent. Persons owning slaves who had to serve until they reached the age of twenty-eight were required to register them. A fine of one thousand pounds and forfeiture of the vessel was to be imposed upon any one who constructed and equipped a vessel within the state with the intention of using it in the foreign slave trade. The separating of parents and children, or husbands and wives was subject to apenalty of fifty pounds. Any person who removed a slave by force, fraud, or seduction from any part of this state to any other place whatsoever with the intention of selling said slave for a term of years, was, on conviction in any Court of Quarter Sessions for any city, or county within this Com-

^{1.} Statutes-at-Large, Vol. X, p. 69 et sequor.

^{2.} Ibid, Vol. XIII, pp. 52-56. Also P. L. [Bioren] Vol. II, pp. 443-444.

monwealth, to forfeit the sum of one hundred pounds to the overseers of the poor and also "be confined at hard labour for any time not less than six nor more than twelve months; and until the costs of prosecution were paid."(1)

The last wave of German migration began in 1770 and continued without any perceptible abatement until 1791.(2) The inducing motive was the famine that prevailed in Germany at the opening of the period. "During these years twenty-four ships on an average arrived annually at Philadelphia."(3) As heretofore, the major portion of the immigrants belonged to the redemptioner class. From 1786 to 1804 two-thirds of all who entered were servants of one kind or the other.(4) The coming of this army of servants of a foreign nationality again raised the question of assimilation as well as that of dependency, because a considerable number of them belonged to the undesirable element. As a precautionary measure the assembly in 1785 authorized the establishment of a registry for German passengers at the port of Philadelphia and the placing of it in charge of a person who was acquainted with their language and able to converse with them. The President and the Vice-President of the state in Council were to ap-

^{1.} Statutes-at-Large, Vol. XIII, pp. 52-56. Also P. L. [Bioren] Vol. II, pp. 443-446.

^{2.} Geiser—Redemptioners and Indentured Servants in Pennsylvania, p. 39.

^{3.} Ibid.

^{4.} Ibid.

point a suitable person and commission him with the powers of a justice of the peace for binding out legally all who should be permitted to land. health officer with a German interpreter was required to board all vessels having German passengers on board and inquire as to whether any of them were superannuated, impotent or likely to become chargeable, and report the same to the register for his inspection and approval. Those who gave satisfactory evidence of soundness of mind and body were allowed to land while the others had to be returned to the place from whence they came or be landed elsewhere. All indentures were to be made before the register and entered carefully on the records of the registry office. report thereof together with the original copy of the health officer's report had to be sent to the office of the Secretary of the Supreme Executive Council.(1) Thus the statute served a double purpose, first, the exclusion of the aged, impotent and those likely to become a public charge, and, second the preservation of a record of the able-bodied for any future use for which the same might be found serviceable.

Another measure that can be traced largely to the enormous influx of foreigners was that of March Twenty- seventh, 1789,(2) whose object was to prevent the importation of felons and other convicts into the Commonwealth. Under the cloak of serv-

^{1.} Statutes-at-Large, Vol XI, pp. 602-604.

^{2.} Ibid, Vol. XIII,pp. 261-263. Also, P. L. (Bioren) Vol. U, pp. 485-486.

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ants numbers of them were brought in and sold as such to the inhabitants endangering their morals and lives as well as filling prisons and workhouses. The first section forbade the master of any vessel knowingly to accept and bring in any felon, or convict, while the second authorized a three months' imprisonment without bail or mainprize and a forfeit of fifty pounds lawful money together with the costs of prosecution, to be recovered as other debts of like amount are recoverable at law for every violation thereof. Every person convicted for violation of its provisions was required in addition to enter a recognizance with sufficient sureties to transport every such felon, convict, or other person of the aforesaid description within a reasonable time to some place without the bounds, limits and jurisdiction of the United States; and in default of entering into such recognizance with sufficient sureties, he or she was to be committed to gaol. there to remain without bail or mainprize until the recognizance with sureties was entered, or the person or persons so brought, transported as required. (1)

The statute books since 1760 contain numerous statutes for the relief of persons imprisoned for debt. Along with these are equally as many, if not more, containing clauses prescribing imprisonment without bail or mainprize until fines, penalties and debts shall be paid, or other conditions complied with. The chief cause for this kind of legislation

^{1.} Statutes-at-Large, Vol. XIII, pp. 261-263. Also, P. L. (Bioren) Vol. II, pp. 485-486.

was the institution of indentured servants and redemptioners. Drastic measures were deemed necessary in order to compel the discharge of asumed obligations, while the threat of indefinite imprisonment was supposed to have a salutary effect upon all. So long as imprisonment for debt existed, the institution throve, but when the former was finally abolished, the latter "received its legal deathblow, and necessarily died without any special enactment."(1)

While the number imprisoned for debt varied from time to time, yet it was always large. In the Philadelphia prison there was an apartment known as the "debtors' apartment," which in 1792 contained a large number of persons who were so poor that they were unable to procure either food for their subsistence, or fuel or covering for their protection during the winter season.(2) Their wretched condition finally aroused the nobler elements of human nature so far as to procure for them the commonest necessaries of life. By the provisions of an act passed in 1792 the inspectors of prisons were directed to inspect also the "debtors' apartment" and inquire into the condition of the inmates. Fuel, blankets and provisions were to be furnished to those who were too poor to provide the same for themselves and the expense paid out of the county treasury. Seven cents a day was allowed for food to be paid weekly by the plaintiff or plaintiffs.

^{1.} Geiser—Redemptioners and Indentured Servants in Pennsylvania, p. 42.

^{2.} P. L. (Bioren) Vol. III, p. 78.

Failure to pay the same within ten days after notification was to operate as a discharge for the prisoner. A keeper of the apartment was also provided for at a salary of five hundred dollars payable quarterly, while the commissioners were to make such alterations for the comfort of the prisoners as would not exceed four hundred dollars.(1) A subsequent act which became a law in 1794 ordered the discharge of all persons from imprisonment whose indebtedness to any one creditor exceeded one hundred and fifty pounds, unless there existed presumption of fraud, and that relief be granted them under the insolvent debtors' laws.(2)

Imprisonment for debt was one of the most fruitful causes of pauperism. The unfortunate debtor, more sinned against by an institution of which he was a victim, than he had sinned, was rendered helpless for the time being; his life powers and abilities for support of self and family were slowly rotting away while his wife and children were the objects of charity. The good accomplished by the system in no way justified the expense it involved.

Various measures were passed from time to time to protect the state from infectious diseases. A lazaretto was established on Province Island in 1742 (3) and maintained for the treatment and cure of those afflicted with malignant disorders. Provision was made for the inspection and examination

^{1.} P. L. (Bioren) Vol. III, pp. 78-79.

^{2.} Ibid, Vol. III, p. 125.

^{3.} Sec above, Cap. IV, p. 70.

of all vessels entering the port as to the health of the crew and the passengers with power to send any vessel into quarantine on which there was evidence of an infectious disease. During the summer of 1793 certain vessels from the West Indies, where yellow fever was then raging, were allowed to enter the port without inspection, or quarantine.(1) Shortly afterward it appeared in Philadelphia, but it was not until past the middle of August that it assumed serious proportions. All who could fled from the city. Among those who could not flee it raged with terrific fury until fall when its victims numbered nearly, if not altogether, five thousand.(2) The Mayor organized a committee of citizens to assist the overseers of the poor in the administration of the necessary relief to the sick and distressed.(3) Temporarily all were reliev-At the height of the outbreak of the epidemic six hundred destitute refugees who had fled from the negro insurrection in San Domingo arrived in the city.(4) The charities of Philadelphia and the charitably inclined people raised eleven thousand dollars for their relief and set about to raise fourteen thousand five hundred more when they were interrupted by the yellow fever.(5) In spite of

^{1.} Scharf and Westcott—History of Philadelphia, Vol. I, pp. 469 and 470.

^{2.} Ibid.

^{3.} Ibid.

^{4.} Ibid, p. 470.

^{5.} Ibid, p. 480.

these extraordinary demands upon the poor law and its administrative agents it resisted the strain successfully, a testimony to the wisdom of its framers and the efficiency and ability of its administrators.

At the sessions of the legislature the following year a special committee was created and constituted a commission of guardians for the children made orphans by the epidemic, to superintend their morals, education and employment as well as to provide them with food and clothing whenever necessary. They were also authorized to bind them out as apprentices, or engage them in such other ways as they deemed best for their welfare. To aid them in the discharge of their duties, two thousand dollars were appropriated from the fund set apart for the maintenance of the government to cover whatever outlay the commission might have to incur.(1) Recovery from the effects of the epidemic was slow and tedious. Several years were required for the restoration of normal conditions. Outbreaks of a minor character occurred during the next few years (2) so that the legislature found it necessary in 1797 to create a new commission of twelve and appropriated ten thousand dollars to be applied by it in relieving the sick and the indigent who had fallen victims to the malignant and contagious disease.(3) The generosity of the state and the good-will of its people respond-

^{1.} P. L. (Bioren), Vol. IV., pp. 419-420.

^{2.} Scharf and Westcott—History of Philadelphia, Vol. I, p. 470 and 480.

^{3.} P. L. (Bioren & Carey) Vol. V, p. 266.

ed nobly to the extraordinary and crying needs of the stricken territory. From 1794 to 1797 the legislature appropriated over fifteen thousand dollars for the relief of the orphaned and the destitute of the city and for the San Domingan refugees.(1) The results achieved during this crisis show the state's progress and advancement since 1756 when its charitable machinery practically broke down in providing for a small company of Acadian deportees.

The previous period bequeathed to this the Law of 1771 which it put into operation without encountering any difficulty. On the eve of the revolution the exclusion act of 1712 was reenacted in a slightly modified form. It was followed by the abolition acts of 1780 and 1788 whereby negro servitude as a cause of pauperism was eliminated. During the war the incapacitated soldiers, their dependent wives and children, widows and orphans, were cared for chiefly by state funds. As a result of the war the Philadelphia system had to change corporate administration. A beginning was made in the classification of the social debtor classes by separating the delinquents from the dependents. The latter were detained in the house of employment for the poor while the former were removed and committed to the workhouses in connection with the county gaols. The condition of debtors imprisoned on account of their debts was greatly improved and many discharged under the new in-

^{1.} Scharf and Westcott—History of Philadelphia, Vol. I, p. 470 and 480.

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solvency laws. The extraordinary conditions which prevailed in Philadelphia from 1793 to 1797 were promptly relieved, the entire state joining in the work. Inprovement of conditions, systematization in administration and unification of interests were the results achieved.

Chapter VI.

REVENUE.

Revenue occupies an important place in poor relief legislation. Again and again reference has been made to the revenue features of the respective acts, but it requires a more adequate treatment than could be given in the general discussions of the construction and development of the poor law, together with the modifications demanded by the social and industrial development of the province and of the state.

The revenue which a century's legislation provided for was to be derived from three sources: first, direct taxation; second, gifts and bequests; and third, fines, penalties and forfeitures. These may again be arranged into two different groups: first, the voluntary, including gifts, devises, bequests, etc.; and, second, the involuntary, including taxes, fines, penalties and forfeitures. The latter were provided for by legal enactments and collected by legal machinery; while the former were received and accepted under provisions inviting those charitably inclined to give whatever they desired to contribute for the use of the sick and the destitute.

Previous to the passage of the general law of 1705 the expenses for the maintenance of the poor were paid out of the general treasury. The prevailing opinion was that one town or riding should assist another so that the burden of maintenance

would be borne equally.(1) In the administration of this provision difficulties must have arisen because the Assembly of 1693 passed a law by which there was placed at the disposal of the justices of the peace and the overseers of the poor, the relief of the poor, the money that shall henceforth be raised by the assessment to pay the County charges."(2) The rate of the assessment was one penny in the pound, clear value of all the real and personal estate of every freeholder, except the poor, and those who had large families, and six shillings per head on every freeman not otherwise rated. This was reenacted by the assemblies of 1696, 1697, 1698 and 1699. A general act which became a law on the Twenty-seventh of November, 1700, directed that the justices and the overseers for their encouragement should have such sums as they needed for distribution among the poor out of the first moneys that should be raised in the respective counties.(3) The same provision was inserted in the County Levies' Act (4) and consequently remained the financial basis until the general poor law of 1705.

The above provisions prove conclusively that the general treasury was frequently in such a condition that the poor had to suffer, especially in times of emergency. The priority of their claims had been emphasized for a decade or more with no evidence, however, of any improvement. Close

^{1.} Charter and Laws, p. 58.

^{2.} Ibid, pp. 233 and 257.

^{3.} Statutes-at-Large, Vol. II, p. 20.

^{4.} Ibid, p. 37.

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to the time when the first general act became a law it was again emphasized in the act for raising the levies with no evidence of any better results. A change, therefore, was imperatively necessary in order to relieve the poor from the hardships to which they were subject. This was effected by the law of 1705 which went into force the same year. It separated the office of overseers of the poor from that of overseers of the highways and in section two authorized them, according to their best skill and judgment, "to make or lay a rate of assessment after the rate of one penny in the pound, clear value, of the real and personal estates of all and every the freeholders and the inhabitants within the respective townships *** and four shillings per head on every freeman not otherwise ' Before this rate could become effective rated.' it had to be allowed by two justices of the peace, after which, payment was compulsory. overseers were further authorized, upon curing a warrant from two justices of the peace under their hands and seals, to collect from defaulters by distress and sale of their goods and chattels, and for the want thereof to commit them to prison there to remain without bail or mainprize until the same was paid. An appeal was allowed to the justices of the peace at their next general quarter sessions whose judgment, however, was final.(1)

For some years this provision satisfied all requirements. With the excessive immigratian came

^{1.} Statutes-at-Large, Vol. II, pp. 252 and 254.

a class which increased the dependents so rapidly that several rates of a penny in the pound became necessary in a year for their maintenance. These frequent repetitions became burdensome as well as. troublesome, not only to those upon whom they were levied, but also to those who were required to levy and collect them.(1) Section Five of the Act of 1735 made it lawful for the overseers of the poor of the city of Philadelphia, having obtained the approbation of the mayor, or recorder and two aldermen; and for those of the townships, the approbation of two magistrates living next to the township where the poor tax shall be raised, "to make and lay a rate not exceeding three pence in the pound at one time upon all estates liable to be rated, and in the manner directed to be raised and levied by the aforesaid act of the assembly for the relief of the poor, and not exceeding nine shillings per head on all freemen not otherwise rated."(2) To expedite the levying and the collection thereof the overseers of the city and of the respective townships were required to deliver fair duplicates of the rates to the justices who were empowered to allow or disallow the same. In addition they were required to hand fair and true lists of the poor in the city and in the respective townships to their successors on going out of office as well as to collect and pay over all unpaid taxes, for default of which they were to be committed to the common gaol without

^{1.} Statutes-at-Large, Vol. IV, p. 272,

^{2.} Ibid.

bail or mainprize until they complied with all the requirements.(1) The difference between these provisions and those of the previous act which were repealed at the same time is, first, the larger rate to eliminate the inconvenience and annoyance of levying and collecting several small rates in the same year, and second, the addition of compulsory collection of taxes and preservation of records to compulsory payment in order to avoid the large losses arising from unpaid taxes.(2)

The Act of August Nineteenth, 1749, contained the first specific provision for the acceptance of voluntary contributions for the relief of the poor. Previously bequests of land and tenements as well as sums of money had been made through the channels of private charity. In this way the Friends almshouse (3) was founded and maintained as well as money and goods distributed by other religious and private associations. As yet, however, there was no provision made by means of which the public authorities could accept and use the voluntary contributions offered by public spirited individuals. In order to make use of this available source of revenue the overseers were created bodies politic and corporate with full corporate

^{1.} Statutes-at-Large, Vol. IV, pp. 273-276.

^{2.} Ibid.

^{3.} This almshouse was located on the south side of Walnut Street between Third and Fourth Streets. The lot was donated in 1712 by John Martin, a Quaker. The wings were erected in 1713 and the main building in 1729. Watson—Annals of Pennsylvania, Vol. III, p. 333.

powers to accept and hold bequests of land, tenements and goods which also at the same time were made valid at law. Gifts and bequests whose yearly value exceeded five hundred pounds were not allowed to be accepted. An additional provision restricted all future rates and assessments to estates owned within the township and to an amount not exceeding the assessment made by the county assessors.(1)

Inasmuch as Philadelphia was practically the port of entrance for the whole province it became the common receptacle for the weaker element among the shiploads of immigrants, thus largely augmenting the number of dependents within the city as well as the expense for their maintenance. The influx of a similar element from the country further aggravated the existing conditions. Consequently the municipality complained and groaned because of the burden it had to bear for the whole of the province while the districts outside of the city just as persistently resisted every attempt to compel them to bear a portion thereof. To relieve the people as much as possible and yet at the same time increase the revenue for poor relief, the city was authorized to rent so much of the almshouse lot as was unoccupied for the highest annual rental obtainable and pay the same to the overseers for the use of the poor of the city.(2) The collection of one or more taxes a year and its distribution consumed a considerable portion of the overseers'

^{1.} Statutes-at-Large, Vol. V, pp. 79-85.

^{2.} Ibid.

time; in fact so much that their private business interests suffered. Since their service was compulsory and non-compensative they were authorized hereafter to appoint a collector or collectors of the assessments with the power of distress and sale of goods of defaulters, if necessary.(1)

Between the years 1766 and 1771 the struggle for an adequate revenue was confined chiefly to Philadelphia and its suburban districts. In Chapter Four we noted that the former year marked the beginning of the legislation which in a large measure gave Philadelphia a poor law of its own.(2) The voluntary contributors desired a share in the power for the distribution of their gifts among the poor. In granting their request the plan which proved so successful in the case of the Pennsylvania Hospital was extended to the Philadelphia 'Almshouse and poor relief in general. Contributors of ten pounds or more were constituted a corporation with full corporate powers and entrusted with the administration of the law. Revenue was derived from these voluntary contributions and the assessments levied by the overseers who were required to pay the same to the treasurer of the corporation as soon as they were collected. assist them in the construction of the new almshouse a special tax was authorized to be levied on all estates real and personal within the city and the districts that were members of the corporation, together with an additional one for the repayment

^{1.} Statutes-at-Large, Vol. V, pp. 79-85.

^{2.} See Chapter Four p. 81 et sequor.

of any loan that might have to be negotiated.(1) The next year the corporation was virtually on the verge of bankruptcy. Rehabilitation was effected by an enlargement of its borrowing capacity on the credit of the old property and by authority to request the levying of an additional tax in case of a deficit.(2) In the fall a further loan was necessary for the completion of the unfinished buildings, for the repayment of which the old property was again pledged and a proviso added for the payment of any deficit that may result by a "just and proportionable rate or tax to be laid, assessed and levied on all estates, real and personal, within the city and surrounding districts, and collected and paid over to the treasurer in the same manner as as the tax for maintenance."(3) The following year a rigid compulsory measure became necessary in order to compel the overseers to levy and collect promptly the rates authorized and approved by the justices of the peace of the townships and the aldermen of the city and to pay the same to the corporation's treasurer. Overseers who failed to comply with the provisions of the new act within two months, upon conviction thereof, were to be fined one hundred pounds for the use of the poor, and those who were in arrears on previous assessments, fifty pounds for the same purpose.(4)

During the sixties hordes of vagrants, vagabonds

^{1.} Statutes-at-Large, Vol. VII, pp. 12-14.

^{2.} Ibid, pp. 75-77.

^{3.} Ibid, pp. 143-145.

^{4.} Ibid, pp. 159-161.

and other idle persons roamed over the country and preyed upon the inhabitants. The act which became a law in 1767 authorized their apprehension wherever found and their commitment to the county workhouse, or in the absence of such. to the common gaol, there to be kept at hard labor for a stated time. Counties not provided with workhouses were authorized to erect such at once and meet the expense by levying "such further and other rate or rates, assessment or assessments, on all estates, real and personal, within their county as shall or may be sufficient for the purpose aforesaid,"(1) to be collected in the same manner, by the same persons, and under the same penalties as are enjoined and required in the levying, assessing and collecting of county rates.

The great Act of 1771 required the overseers of Philadelphia and neighboring townships forthwith to levy, raise and collect such rates as the mayor or recorder and two aldermen of the city and two justices of the districts authorized and approved, by a joint assessment on all estates, real and personal, and taxables, and to pay the same to the corporation's treasurer within two months after the receipt of the orders. Every overseer who was found guilty of neglect or refusal to act promptly, forfeited fifty pounds to the corporation.(2) Neither the amount of the rate nor the frequency of its repetition within a year are stated, save that it

^{1.} Statutes-at-Large, Vol. VII, pp. 84-85.

^{2.} Ibid, Vol. VIII, pp. 76-77.

may be as often as the corporation makes complaint to the proper authority that a sum of money is needed.

The overseers of the boroughs and townships outside of Philadelphia and its suburban districts were required to obtain the approbation of any two justices of the peace in the same county, to make and lay a rate, or assessment not exceeding three pence in the pound at one time upon the clear yearly value of all real and personal estates within the said boroughs and townships respectively, and six shillings per head on every freeman not otherwise rated for his estate in every three penny tax,(1) and proportionally for any lesser rate or assessment, "which said assessments may be repeated by the authority aforesaid as often in one year as shall be found necessary for the support of the poor."(2) Thus the overseers of the boroughs and townships were limited by a maximum rate at any one time while those of the city were unlimited. Again the overseers of the city were subject to a fine of fifty pounds for neglect or refusal to collect and pay over the tax assessed within two months after receiving the order, while those of the boroughs and townships were subject to one of twenty shillings only. The books in which the rates were recorded were to be open always for inspection. Every assessment had to be made with due respect to the county assessment and was made

^{1.} Statutes-at-Large, Vol. VIII, pp. 77-78.

^{2.} Ibid, pp. 77-78.

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collectible by distress and sale of goods whenever and wherever necessary and, for the want of goods. the offender was to be imprisoned without bail or mainprize until the same was paid. All who felt aggrieved were allowed an appeal to the court of general quarter sessions whose judgment was final. (1) The Fourteenth Section authorized the overseers to accept gifts, grants, devises and bequests of lands, tenements, rents, goods, chattels, sum or sums of money not exceeding the yearly value of five hundred pounds for the use of the poor and made them good and available in law, passing them to the overseers and their successors forever. (2)

In 1779 the heavy depreciation of the Continental and State Paper Currency necessitated an increase of the rates in order to obtain sufficient revenue for the needs of the poor. Frequent repetition of the same rate was annoying to all. A remedial measure, therefore, was passed that year which authorized the overseers, after having obtained the approbation of the judges of the city court and the justices of the peace, to levy, collect and raise an assessment on the yearly value of all estates, real and personal, based on their own estimate thereof, not exceeding one shilling and six pence in the pound upon all taxables, and thirty-six shillings per head upon every freeman not otherwise rated and to repeat the same as often

^{1.} Statutes-at-Large, Vol. VIII, pp. 78-79.

^{2.} Ibid, p. 83.

as it might be found necessary.(1) The act for the counties, townships and boroughs outside of the city of Philadelphia, passed in the fall of the same year, authorized the overseers, after having obtained the approbation of the justices of the peace, to levy, collect, and raise an assessment on the clear yearly value, as they shall reasonably estimate the same, of all real and personal estates, a rate or tax not exceeding seven shillings and six pence in the pound upon all taxables and a sum not exceeding six, nor less than three pounds, on all freemen not otherwise rated and to repeat the same as often as they might find it necessary.(2) Both of these were repealed by the act of March Twentyfifth, 1782. The revenue provisions of the Act of 1771(3) were again restored and remained in force until repealed by the Act of 1836, except so far as they were altered or supplied by special county or district acts. The expenses for the maintenance of imprisoned poor debtors had to be borne by the plaintiffs,(4) while those for the alterations in the prisons (5) and those for the relief of the orphans and sufferers of the yellow fever epidemics were

^{1.} Statutes-at-Large, Vol. IX, p. 359.

^{2.} Ibid, Vol. X, p. 33. It was undoubtedly expected that one large levy would satisfy the demands of the country districts for an entire year, thus avoiding the inconvenience of collecting a small levy several times in a year over the same large areas of country.

^{3.} Statutes-at-Large, Vol. X, pp. 405-406.

^{4.} P. L. (Bioren) Vol. III, pp. 78-79.

^{5.} Ibid

paid out of the general fund for the support of the local and the state governments(1); thus leaving intact the revenues for the poor.

The revenue derived from fines, penalties and forfeitures was two-fold: First, that from officials for neglect or refusal to perform their official functions and duties; and, Second, that from violations of laws and ordinances of the province and the state. The former varied from one hundred pounds to a few shillings, depending largely upon the importance attached to the official function. The largest were those imposed upon overseers of the poor for refusal or neglect to levy and collect the authorized taxes for the poor. Among the violations included in the latter were, the assizes of bread, unmerchantable flour, trespassing of livestock, regulations of vehicles, harboring of deserters and runaways, security of government, administration of justice, election of officers, unlawful fishing and hunting, packing house frauds, refusal to accept bills of credit, settling on lands whose Indian titles were not extinguished, liquor regulations, auction regulations, building regulations, fire regulations, bridge and ferry laws, suppression of lotteries and of vice and immorality. The amounts imposed varied from a shilling to five hundred pounds, the latter sum being imposed for settling on Indian lands whose titles were not extinguished. With a few exceptions one-half of

^{1.} P. L. (Carey and Bioren) Vol. IV, pp. 419-420 Also, Vol. V, p. 266.

the sums imposed was for the use of the poor while the other half went, either to the informer, the prosecutor, or the state. What amount of revenue these fines, penalties and forfeitures yielded we have no definite knowledge. Those from officials ought to have been considerable, for at the first assembly held at Chester only sixteen of the fortytwo members were present.(1) Attendance was very irregular and fines had to be imposed to insure the presence of those elected.(2) Political ambition was at a low ebb. Those chosen to office preferred tilling their fields to winning official laurels and renown.(3) Again and again state affairs were subordinated to private ones, as in 1709, when, instead of passing the measures demanded by the governor and council, the assembly adjourned until harvest was over.(4) The highest ambition seems to have been to be a freeholder; to own lands, build houses and barns; sow and reap and to sell and add to their possessions.(5) It is quite likely, therefore, that official fines, penalties and forfeitures were an important item in poor relief

What the value was of contributions in kind and to what extent this practice was employed is

^{1.} Bolles—Pennsylvania: Province and State, Vol. I, p. 127.

^{2.} Ibid, pp. 236-237.

^{3.} Ibid.

^{4.} Proud-History of Pennsylvania, Vol. II, p. 29.

^{5.} Bolles—Pennsylvania: Province and State, Vol. I, p. 234.

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equally uncertain. Evidences appeared here and there that such contributions formed no unimportant item. The difficulty that confronts the research student at every step is that on account of the scarcity of a sufficient and stable medium of exchange, barter was resorted to quite generally, with the result that payments were often made in kind instead of money. Consequently, any definite estimate is impossible.

Summarizing the facts relating to the century's revenue legislation we find that previous to 1705 the poor were cared for out of the general fund and entitled to the first moneys received from the assessment. The law of 1705 ordered that a special assessment of one penny in the pound on all estates, real and personal, and four shillings per head on every freeman not otherwise rated, be laid as a tax for the support of the poor. The rapid increase of population and the development of the province soon rendered this inadequate and to avoid the laying of several taxes in one year it was raised in 1735 to three pence in the pound and nine shillings per head for every freeman and collection and payment made compulsory. The Act of 1749 opened the way for the reception of voluntary contributions and authorized the appointment of collectors for the collection of the poor taxes. The revenue struggle from 1766 to 1771 was marked by a series of special taxes in addition to the maintenance tax. which together with the private contributions were inadequate to meet the extraordinary demands of that period. The Act of 1771 re-enacted the three

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penny in the pound rate, but reduced the per capita for freemen from nine to six shillings with a provision for its repetition as often as might be found necessary. In 1779 the rate for the city was fixed at one shilling and six pence in the pound on all estates, real and personal, and thirty-six shillings per head for every freeman, while for the country it was raised to seven shillings and six pence in the pound and not less than three nor more than six pounds for every freeman with the proviso for its repetition as often as might be found necessary. In 1782 both of these were repealed and the rates of the Act of 1771 restored. In this form it remained until the introduction of the county system in 1798 and in part until it was superseded by the Act of 1836. The revenue derived from fines and forfeitures for neglect of official functions and duties and for violations of statutes together with voluntary contributions as well as contributions in kind constituted a considerable item, but one more or less uncertain and undependable.

Chapter VII.

THE COUNTY SYSTEM.

The original counties of Pennsylvania extended indefinitely westward and northward from the Delaware with boundaries as indistinct as those of the original grant. This indistinctness was a matter of small import in 1683 because the settlements then constituted only a fringe along the banks of the Delaware and the Schuylkill. When the back country, however, began to teem with the settlements of the Germans, Scotch-Irish, Welsh and other nationalities it assumed a dangerous aspect. Complicated with this was the problem of the administration of justice in the remote parts. In 1741 Philadelphia County extended to what is now the southern boundary of Berks. Within its territory were forty-seven townships and a city with ten wards.(1) With the means of communication then in existence an efficient and satisfactory administration of justice was impossible. Chester and Bucks Counties were confronted with the same problem. On all sides it was realized that for effectiveness of administration a smaller area was an essential necessity. The initial movement in this direction was taken by the inhabitants of that portion of Chester County which then bordered on the Susquehanna and in response to their earnest

1. Watson-Annals of Pennsylvania, Vol. II, p. 403.

plea Lancaster County was carved out of Chester County in 1749. During the next three years four additional counties were erected out of the original ones, viz., York, Cumberland, Berks and Northampton. When the national government went into operation in 1789 the number had increased to twenty-one. The breaking up of the old counties into smaller areas checked the lawlessness on the frontier and restored law and order to the great relief of the peaceful and law-abiding settlers. The break up of the enormous county areas was followed by a similar break up in the size of the townships. In nearly all cases election districts and townships coincided. As population pushed westward and northward and the vacant lands in the townships were taken up, petitions were presented to successive legislatures for elections to be held at more convenient places as well as for smaller administrative areas for supervisors, overseers and other township officers. Consequently, new townships were carved out of old ones and the efficiency of administration improved.

During the last half of the Eighteenth Century Pennsylvania's development was exceptionally rapid due to the large number of Germans and Scotch-Irish who found homes within its bounds. This development, however, was not achieved without reaping the customary harvest of misery and poverty incident to the adaptation of immigrants to new physical, social and industrial conditions. Pauperism increased as rapidly as population and entailed a heavy burden on the scattered inhabi-

tants of the smaller administrative areas. The methods of relief then in vogue were better fitted for encouraging and fostering the evil than for discouraging and diminishing it. Many of the beneficiaries refused to work even when able, preferring to live in squalor and wretchedness rather than exert themselves to rise above the poverty line by their personal efforts. The chronic dependents increased so rapidly that a change in the administration of poor relief became absolutely necessary.

Heretofore the overseers of the respective townships administered relief, either by distributing supplies, by granting weekly or monthly allowances from the poor levies, or by boarding them themselves, or in the homes of other paupers and dependents. Thus the thrifty and industrious were required to support an ever increasing portion of the population in continual idleness. The frequency of the levies and the labors of administration demanded sacrifices on the part of the people and their officials which they could ill afford to make. Dissatisfaction was rife everywhere and a demand materalized for the adoption of some plan whereby the ablebodied poor would contribute something to their maintenance and support and thereby diminish the excessive poor rates.

On all sides it was felt that the natural remedy lay in the establishment of houses for the employment and support of the poor, modeled after that of Philadelphia. In adapting this idea to the needs of the rural districts they decided on agricultural

instead of industrial employment. The former was regarded as being more in harmony with the abilities of their poor and that thereby their contribution to their support would be much larger than in the industries. Consequently, it became the universal practice of the counties to purchase a farm of suitable size, erect thereon the necessary buildings, transfer their poor to it and employ the ablebodied in its cultivation. Previous to the passage of the first act for the inauguration of the system it was realized that the establishment of a plant for every township was impossible. The finances of few townships would justify the expense necessary for the purchase of a farm and the erection of the necessary buildings. Again the expense for maintenance and administration for the individual townships would consume a considerable portion of the levies, which, by the substitution of one large plant for the whole county, could be saved and the burdens of the people eased to that extent. Therefore the plan of a house or institution for every township was abandoned, but as we shall see in a subsequent chapter,(1) local pride and prejudice again and again defeated well prepared plans for the concentration of poor relief legislation and administration. Counties with a homogeneous population and a similarity of interests experienced little difficulty in the adoption of the county system; but wherever diversified industry and heterogeneity of population prevailed the struggle was sharp and frequently prolonged.

1. See Chapter VIII, below.

The County System was launched on the Twenty-seventh of February, 1798, by the passage of a bill by the legislature of that year providing for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster. This act became the classic model for all subsequent ones. Those parts of the earlier acts which became obsolete were either amended or displaced by new ones. Such differences as do appear from time to time were in keeping with social and economic progress and intended chiefly for improvement of efficiency in administration. After an analysis of the county acts has been presented the more important changes will be noted.

The county acts contain seven divisions or groups of subjects. In the later acts, however, an additional group or two must be introduced in order to avoid confusion. Marked similarity exists in relation to the length and the number of sections. Differences exist but none of them are of such a nature or character as to require separate or special treatment. Changes in order and arrangement occur also and in some there is more or less of a coalescence, but as seven-eighths conform to the above plan of division no other grouping is required.

First,— Authorization of Erection. Every county act after reciting the customary form of enactment provides that a house for "the employment and support of the poor shall be erected in

the county of ——"(1) In most of the later acts this clause was consolidated with the provision for a "Commission" charged with the duty of purchasing land and erecting thereon the necessary buildings.(2) This clause was always brief but considered essentially necessary in order to avoid disputes that might arise as to the authority of the "Commissions" and the Boards of Directors.(3)

Second,— Commissions on Location and Erection of Buildings. These were usually separate bodies consisting of seven or nine persons of reputable character and inhabitants of the respective counties who were to receive and hear all applications directed to them relating to the most fit and suitable place for the location and the erection of the buildings, to determine upon and fix the same and certify their proceedings either to the Clerk of the Court of Quarter Sessions, or to the Court of Quarter Sessions.(4) Approval by the courts was deemed a sufficient authorization for the directors to erect the buildings and open the institutions. Some of the acts authorized the "Commissions" not only to decide on a location and purchase the real estate, but also to execute bonds and mortgages for the payment of the same, to erect the necessary buildings and formally convey the whole to the le-

^{1.} P. L. (Bioren) Vol. III, p. 306. Also, Vol. IV, p. 113, and P. L., 1838-1839 and 1855.

^{2.} P. L. 1851, Crawford County Act and 1865, Warren County Act.

^{3.} P. L. 1844 and 1846, Mifflin County Acts.

^{4.} P. L. (Bioren) Vol. III, p. 308 and Vol. IV, 116.

gally elected boards of directors. Occasionally it was provided that the "Commissions" should serve also as directors until a regular board was chosen after which formal conveyance of the property was to be made.(1)

Third,— Election, Organization and Incorporation of Boards of Directors. At the first election following any specific county act, the electors of the county were to choose either six or nine reputable persons, inhabitants of the county, (this number being later reduced to three) (2) to be "Directors of the Poor and of the house of employment for the County of --." The persons thus chosen were required to meet at the Court Houses of the respective counties within a specified time after their election, divide themselves into three classes so as to secure rotation in office, elect one of their number president, or chairman and take the prescribed oath of office, or forfeit the sum ofdollars for "neglect or refusal."(3) Later they were also empowered to administer oaths to paupers, witnesses and employees touching all matters concerning the administration of the institutions.(4) They were also constituted, "forever, hereafter, in name and fact - - - one body politic and corporate in law to all intents and purposes whatsoever - - - by the name, style and title of, 'The Directors of the

^{1.} P. L. 1866, pp. 161-163.

^{2.} P. L. (Bioren) Vol. IV, pp. 113-114.

^{3.} P. L. (Bioren) Vol. III, pp. 307-308. Also, Vol. IV p. 114.

^{4.} P. L. 1831, p. 423 et sequor.

poor and of the house of employment for the county of ——,' with authority to sue and be sued, to implead and be impleaded - - - to hold lands, tenements, etc., not exceeding a certain value, - - - receive goods by gifts, bequests, etc., - - - hold lands and tenements in fee simple or otherwise,''(1) and exercise full control and authority over the inmates and employees and the administration of their trust.

Fourth,—Powers and Duties of the Boards of Directors. First, they were empowered to erect on such property as they possessed suitable buildings for the accommodation of the poor and provide everything necessary for their reception, lodging, maintenance and employment. Second, they were to appoint a treasurer, steward, matron, physician or surgeon, necessary attendants for the poor, bind out as apprentices such poor children as happen to come under their charge, males to the age of twenty-one and females to the age of eighteen, prepare an estimate of the probable yearly expense for the purchase of lands, the erection and equipment of buildings and maintenance, which the County Commissioners were required to raise by a tax levy or loan and pay to the treasurer of the board, to render a yearly account of receipts and expenditures to the Auditors for settlement together with a list of all persons supported and employed in the house of employment for inspection by the Grand Jury and Court of Quarter Sessions or their appointees, to make and ordain such

1. P. L. (Bioren) Vol. III, p. 307. Also, Vol. IV, p. 114.

ordinances, rules and regulations, not repugnant to the laws and constitution of the state or of the United States and subject to the approval of the Courts of Common pleas of the respective counties, as may be necessary for maintaining proper discipline in the institution, and meet monthly at the house of employment for the transaction of official business and redressing all grievances and complaints that may have arisen.(1)

Fifth,—Compensation of Directors, Commissioners and other Employees. The first acts provided that the directors should receive twenty dollars per annum to cover the necessary expenses in the discharge of their duties.(2) Later this was raised to amounts varying from thirty to fifty dollars according to the size and location of the county.(3) Service as a director was made compulsory.(4) The compensation of stewards and other employees was fixed by the directors and varied according to location while that for the "Commissions" was fixed specifically either by the acts or by the County Courts.(5)

Sixth,—Transfer and Employment of the Poor. As soon as the buildings were ready for the reception of inmates the directors were required to notify the overseers of the poor of the respective town-

^{1.} P. L. (Bioren) Vol. III, pp. 307-308. Vol. IV, pp. 114-115.

^{2.} Ibid, pp. 310 and 117.

^{3.} P. L. 1856, pp. 352-35st.

^{4.} P. L. (Bioren) Vol. IV, p. 117.

^{5.} Ibid.

ships and boroughs of the county of the fact and direct them to remove all poor persons under their charge capable of being moved to the house for the employment and support of the poor and furnish the directors with a list of all sick and disabled ones for whom it was necessary to provide temporarily at their homes. Relief granted by an overseer after receiving the above notification was at his own risk and expense. All persons legally committed had to be received by the directors and employed, if able to work.(1)

Seventh.—Miscellaneous Provisions. All overseers were granted a reasonable time in which to settle their accounts after which the office was abolished. Unexpended balances remaining in their hands were to be paid, either into the county poor fund, or to the supervisors of the respective townships for the repair of the highways.(2) Vacancies occurring in Boards of directors were to be filled by appointment, either by the remaining directors, or the Courts of Quarter Sessions, to serve until the next ensuing elections when a citizen of the county was to be chosen for the unexpired term.(3) The laws all closed with a repealing provision whereby all laws altered, supplied, or inconsistent therewith were repealed.(4)

The acts by which the County System was

P. L. (Bioren) Vol. IV, p. 116. Also P. L. 1831-1832, pp. 171-172.

^{2.} P. L. (Bioren) Vol. IV, p. 113.

^{3.} Ibid, p. 117.

⁴ P L. (Bioren) Vol. III, p. 118.

extended to forty-three counties of the state have remained substantially the same since their enact-Progress in poor relief legislation has not been commensurate with the state's industrial development, with the result that the intricate problems created by the latter can not be met successfully. Many counties are administering poor relief under laws passed between seventy-five and one hundred years ago and whose changes have been so inconsequential as to leave them practically unaltered. Under such laws the best results cannot be obtained and the worst feature of the whole problem is that the special privileges enjoyed by certain sections render every movement looking toward uniformity and modernity of administration futile.

Inasmuch as amending efforts have generally failed, nevertheless, justice demands that those changes be noted which have contributed something to the modernization of the antiquated acts. The requirement of an oath of office for directors before entering on the discharge of their duties, omitted in the Lancaster and Chester County Acts of 1798, was inserted in the York County Act in 1804 and every subsequent act as well as an increased penalty for refusing to serve. (1) In 1806 the County Commissioners and the Courts of Quarter Sessions were given a voice in the location and erection of houses for the poor. (2) The act for the erection of a house for the employment and

^{1.} P. L., (Bioren) Vol. IV, p. 114.

^{2.} Ibid, p. 293.

support of the poor in Westmoreland County provided, "that no director shall sell or dispose of any article or articles to the said poor house, during the time he shall serve as director thereof."(1) This provision found a place in practically all subsequent acts. Beginning with 1822 the acts granted the citizens of the respective counties the privilege of voting for or against the establishment of a poor house.(2) Consequently many of the acts were rejected as is evidenced by the passage of subsequent ones.(3) Provisions in later acts made them operative only in such townships or portions of the counties as approved them.(4) After the adoption of the free public school system for the state in 1834 the indentures of all children bound out as apprentices were required to contain a stipulation for "three months schooling" every year.(5) They were also forbidden to bind them out at more than thirty miles from the poor house. The County Courts were to approve all indentures and take security for the faithful performance of their stipulations.(6) Special acts for Dauphin Lancaster Counties provided for moral religious instruction to be given within their poor houses which Dauphin extended later so

- 1. P. L., 1839 p. 4 et sequor. Also, 1851 p. 715.
- 2. P. L. (Bioren) Vol. VII, p. 562. Also, P. L., 1839 p. 7 et sequor.
 - 3. P. L., 1849 p. 353 et sequor. Also, 1851 pp. 260-265.
- 4. Ibid, 1858 p. 387. 1854 p. 518 et sequor. 1852 pp. 369-373. 1855 pp. 294-300. 1844 p. 435.
 - 5. P. L., 1839, p. 89.
 - 6. P. L., 1855, p. 370.

as to include literary studies also.(1) In 1849 Somerset County established a department for idiots and insane criminals, a precedent followed by nearly all the counties that have adopted the county system.(2) To prevent impositions and deceptions by applicants for admission to the poor houses the directors were authorized to take legal possession of as well as employ legal means to obtain possession of the property of any pauper or paupers admitted and also of that of either or both parents in case of desertion of each other or of their children.(3)

The Session Laws from 1798 to 1874 contain dozens of enactments for improving the efficiency of the county acts, so inconsequential, however, in character as not to effect the county system's main line of development. An important and beneficial change introduced by one county was followed by a series of special enactments extending it to the others. During the period of special legislation a law was in force only within the district specified therein. Thus there was placed on the statute books a mass of special legislation giving special privileges, etc. to the respective counties and districts and while there is a similarity in the legislation and administration yet nowhere is there uniformity and unity. When the constitution of 1874 went into effect the acts then in force were neither altered nor superseded thereby and consequently

^{1.} P. L., 1856, p. 192 and 1867, p. 267.

^{2.} P. L., 1849, p. 45.

^{3.} P. L., 1871, p. 1151 and 1841, p. 381.

the same differences prevail while the obstacles to uniformity appear to be insurmountable.

In the eastern and southern counties, except Philadelphia, the county institutional system was adopted quite readily, because homogeneity of population and interest was quite marked. In the north-eastern, central and western sections population was more heterogeneous and interests diversified which caused its introduction in many places to be vigorously resisted.(1) Many of the counties in the latter territory adopted it only after two or three unsuccessful attempts.(2) In the North and West branches of the Susquehanna and Lower Juniata opposition was most bitter and intense, so intense, in fact, in the former that poor relief is still administered by the township or district system.(3) The opposition was further intensified by those counties in which maladministration occurred in the location and erection of buildings that had either to be removed to more favorable locations or renewed within a short time.(4) When we add to this the force, power and influence of local pride, prejudice and con. servatism, the vigorous resistance explains itself.

The County System was inaugurated through

^{1.} P. L., 1839, p. 47.1851, pp. 260-265. 1852, pp. 369-373 and 280-281. 1858, pp. 276-282. 1849, pp. 354 et sequor. 1844, pp. 518 et sequor.

^{2.} Ibid.

^{3.} P. L., 1852, pp. 369-373. 1858, pp. 276-282 and 387-388. 1844, p. 518 et sequor.

^{4.} P. L., 1860, pp. 292-293. 1852, pp. 653. 1868, p. 428.

the breaking up of the large counties and townships coupled with a conviction on the part of the people that the ablebodied poor should contribute something toward their support and that this contribution would be the largest, if they were employed in the cultivation of a farm of suitable size. In response to this conviction the agricultural counties applied to successive legislatures for the passage of acts authorizing them to install agricultural pauper colonies. Farms were purchased, buildings erected, the poor transferred from the townships, the ablebodied employed thereon while outdoor relief was either abolished or reduced to a minimum. In the face of stubborn opposition the system was gradually extended until its operations now cover forty-three counties. The acts were amended from time to time but not of such a character as to keep pace with economic and industrial progress. While there is a marked similarity in the respective county acts yet nowhere is there any uniformity. Every county has its own act with amendments to which it is thoroughly committed; the whole being the result of a century's legislation away from uniformity.(1)

^{1.} At the legislative session of 1911 one county secured the repeal of some of the amendments to its general act, a movement which other counties might profitably imitate.

P. L., 1911, pp. 173-175.

Chapter VIII.

THE DISTRICT SYSTEM.

In the preceding chapter the opposition to the County System in certain parts of the state was referred to as well as the fact that while in some parts it was eventually broken down, in others it has been strong enough to resist successfully every effort looking to its introduction. Previous to 1798 the entire state was operating under the District System with the township as the unit except Philadelphia and its suburbs. As late as 1832(1) and 1842(2) we find general enactments in statutes relating to overseers of the poor and their duties. Special acts relating to the interests of a township or townships appear as late as 1869 and 1873.(3)

The District System has two strong arguments in its favor. First, the citizens of the district are usually personally acquainted with all cases of pauperism therein and consequently the possibility of fraud is reduced to a minimum. Second, the taxables in the smaller area do not forget so readily that the growth of pauperism affects them adversely and, therefore, public opinion acts more quickly and positively in urging paupers to rise above the

^{1.} P. L., 1832, p. 354.

^{2.} P. L., 1842, p. 47.

^{3.} P. L., 1869, p. 392. 1873, p. 76 and 615. 1876, p. 215.

poverty line, or else compels their relatives and friends to assume their support.(1) The Poor Law Commission of 1890 concedes these arguments, but follows them with the declaration that there is more maladministration in the township than in the county system.(2)

The district system embraces the townships and all other districts whose area is less in extent than a county. In some of the counties of the upper Susquehanna Valley poor relief is administered under the township system of the preceding century while in others, as for instance, Lackawanna, Luzerne and Carbon, there is a grouping of townships, boroughs and cities into several large districts for administering relief, each of which embraces a certain number of townships and boroughs, and in some instances, cities also. Local pride and prejudice, undoubtedly, wielded a powerful influence in the formation of these districts, but the fact that they embody the idea of community of interest must not be overlooked. County divisions are not based on industries, interests or racial stocks. More generally they are constructed to serve political rather than geographical, industrial and racial interests. The problems of life in districts consisting of contiguous territory and possessing the

^{1.} Report of the Poor Law Commission of 1890, Pennsylvania, Executive Documents, Vol. VIII, Document No. 30, pp. 40 and 41.

^{2.} Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents, 1891, Vol. VIII, Document No. 30, p. 40.

same social and racial characteristics are practically the same. The conditions prevailing in one part of a county may be entirely absent in another. The northern portion of Carbon County is a mining district while the southern is agricultural and consequently, their interests and problems differ. Again the northern portion is a continuation of the Lower Luzerne Coal Field with a population similar in interests and character to that of Southern Luzerne. Being similar, therefore, it is but natural that northern Carbon should seek a union with southern Luzerne for the purpose of dealing with the problem of poor relief rather than with the agricultural southern section with its differing problems and interests. In a state where industry is as diversified as in Pernsylvania community of interest becomes a most potent factor in the relief problems.

In the district acts, and by these are meant those which provide for the erection and maintenance of poor houses, we likewise find similarity but not uniformity nor unity. The lack of uniformity is more marked than in the county acts, but that wherein they differ most widely from the latter is their minutiae of detail in relation to administration. The subjects provided for therein are largely the same, but the manner of treatment differs materially. The act(1) creating the Scranton District, now in Lackawanna, but formerly a part of

^{1.} See P. L., 1862, pp. 352-360 for the text of this act. It was passed April Ninth, 1862.

Luzerne County, has been selected for analysis because it is in the Wyoming Valley that the system attained its highest development and greatest efficiency.

First. The Appointment of a Commission; its Powers and Duties. From three to seven persons of reputable character were named from the respective townships, boroughs and cities that were to constitute the district, and created a commission whose duty it was, with the assent of the Court of Quarter Sessions, to determine upon and purchase such real estate as may be necessary and proper for the accommodation of their poor; to take the necessary conveyances therefor in the name of the corporation and upon receipt thereof to execute bonds or a mortgage or mortgages upon the "said real estate" in order to secure the payment thereof to the vendor or vendors. The commission was further empowered to erect thereon suitable buildings and to borrow such sum or sums of money as may be deemed advisable not exceeding a stipulated sum at a rate of interest not exceeding seven per cent for the payment of the expenses incurred and to secure the same by bonds or a mortgage or mortgages upon the "said real estate."(1) It was also authorized to serve as a board of directors until a regular one was chosen by the electorate.(2) The acts creating the districts of Carbondale (March Ninth, 1860) and Wilkes-barre (April Second, 1860)

^{1.} P. L., 1862, pp. 352-353.

^{2.} P. L., 1862, p. 353,

named a special board of directors in addition to the commission.(1) In those districts where the commission was not to constitute a board of directors also a board was to be chosen at the first regular election unless a special one was ordered.(2)

Second, The Election, Classification and Incorporation of a Board of Directors. The commission or the board of directors chosen in the districts authorized, was constituted a "body politic and corporate in law, to all intents and purposes whatever"(3)—with power to hold "lands, tenements and hereditaments not exceeding \$3,000"(4) in value; to erect and keep in repair suitable buildings for the accommodation and employment of the poor and provide all things necessary for their comfort and maintenance. Vacancies occurring in the board by death, resignation or otherwise were to be filled by the judges of the Court of Quarter Sessions of the county by appointing a suitable person, resident in the township, borough or city "for which such vacancy shall be filled,"(5) to serve for the unexpired term. The court was also empowered to remove a director or directors for gross neglect or misconduct in office upon the petition of twenty or more persons of a township, borough or city and fill the vacancy or vacancies created as above directed.(6)

^{1.} P. L., 1860, pp. 138 and 538.

^{2.} P. L., 1868, pp. 660-666. 1857, p. 439 et sequor.

^{3.} P. L., 1862, p. 353.

^{4.} Ibid.

^{5.} P. L., 1862, p. 354.

^{6.} Ibid.

Third, Powers and Duties of Directors. entering upon the duties of their respective offices they were to be duly sworn or affirmed to discharge faithfully the duties thereof and also authorized to administer oaths to their employees and all inmates on all matters touching the maintenance and administration of the institution. They were further directed to appoint officers of administration, attendants on the poor and such other assistants as might be needed; to remove any or all for neglect of duty or improper conduct; to fill all vacancies that may occur; to lay rates of assessments for the purchase of real estate and the erection and equipment of buildings for the comfort and maintenance of the poor; to keep a record of the age, sex, place of birth, etc. of every person to whom relief is granted; to make a "just and true account" of the maintenance of the poor of the respective townships, boroughs and cities constituting the district and lay therein a rate of assessment to cover the same; to publish a yearly statement of the value of the real and personal property together with the receipts and expenditures; to bind out all poor children as apprentices under the existing apprenticeship laws and have full power and authority over the real and personal property of any and every poor person under their charge.(1)

Fourth, Transfer, Reception and Employment of the Poor. As soon as the buildings were completed the commissions or boards of directors were re-

^{1,} P. L., 1862, pp. 355-356.

quired to file with the Clerk of the Court of Quarter Sessions a statement thereof containing a record of the real estate purchased; a description of the buildings erected with the expense of their erection and equipment and to notify the overseers of the poor of the respective townships, boroughs and cities of their readiness to receive the poor in their Upon receipt of such notice the overseers were directed to furnish lists of the poor to be transferred and all who refused to go to said poor house were to be denied relief unless the directors determined otherwise. All poor persons able to work were to be employed while those who refused to perfom such labor as was assigned to them were to be deprived of all relief and assistance and discharged immediately from the institution. After the poor were all transferred, outstanding accounts settled and all books and papers of the overseers delivered to the directors, the office of overseer was to cease.(1)

Fifth, Board of Auditors. A board of auditors, consisting of the burgesses of the respective boroughs and the senior auditors of the townships, was created to audit the accounts of the directors and their compensation fixed at one dollar and fifty cents a day for every day necessarily required. An appeal from the auditors' settlement was allowed the officers whose accounts were involved and also the taxpayers, if made within a limited time, usually thirty days.(2)

^{1.} P. L., 1862, pp. 356-357.

^{2.} P. L., 1862, p. 358.

Sixth, Compensation. The salaries of the treasurer, the collector of the poor taxes and of the poor house officers and assistants were to be fixed by the directors and varied according to the size and location of the districts, while those of the directors were to be fixed by the board of auditors.(1)

Seventh, Miscellaneous Provisions. Other townships, boroughs and cities contiguous to a district were to be admitted on complying with the prescribed conditions, or in lieu thereof contracts might be executed with them for the support and employment of their poor in the poor house of the district. The expenses of the corporation were to be borne by the townships and boroughs included therein and all acts or parts of acts"hereby supplied or inconsistent" therewith were repealed.(2) The expense for maintenance was to be apportioned among the townships, boroughs and cities constituting the districts according to the number of the poor. A supplementary act passed in 1868 consolidated the boroughs, townships and cities constituting the district and eliminated separate accounts.(3) In 1871 this was repealed so far as it related to Providence Township and the old provisions restored.(4) Ten years later they were again consolidated and thereafter the institution was to be maintained by a tax levied uniformly throughout the whole district.(5)

^{1.} P. L., 1862, p. 358.

^{2.} P. L., 1862, pp. 359-360.

^{3.} P. L., 1868, pp. 760-761.

^{4.} P. L., 1871, p. 1090.

^{5.} P. L., 1881, p. 48.

After the erection of Lackawanna County the official name of the district was changed from "Directors of the Poor of Providence," to "Scranton Poor District."(1) The district acts are comparatively recent compared with the earlier county acts. The legislators in framing them, therefore, had the benefit of the county experience with the result that amending was reduced to a minimum and related chiefly to administration.

The smallest divisions in the district system for the administration of poor relief are the townships and the boroughs. In them poor relief matters are in charge either of overseers of the poor or of the supervisors of the highways. The general act of 1834, section ninety provided that supervisors of the highways, "shall be by virtue of their office overseers of the poor of the township where the poor are a township charge,"(2) and abolished the office of overseer of the poor which the act of 1809 had created.(3) During the period of special legislation, no general legislation seems to have been secure. In 1842 Luzerne County secured the passage of a special act repealing the provisions of the act of 1834 so far as it related to that county.(4) This was followed by a number of similar acts making it inapplicable to the townships, boroughs, cities and districts specified and separating the two offices.(5)

^{1.} P. L., 1879, p. 28.

^{2.} P. L., 1834, p. 554.

^{3.} P. L. (Bioren) Vol. V, pp. 18-19.

^{4.} P. L., 1842, p. 47.

^{5.} P. L., 1845, p. 152; 1847, p. 266; 1852, p. 134; 1854, p. 172;

Those that had not secured the passage of special acts previous to 1836 are operating under the general act of that year. That there is a considerable number of these small districts in the state is proved by the report of the Poor Law Commission of 1890 and also that their efforts are directed more to keeping paupers out of the districts than to relieving those within.(1)

The erection and maintenance of a poor house for every township, or even, every two or three townships is inadvisable. The salaries of overseers or directors and other officers of administration would necessarily be small, the best men could not be obtained and inferior officials and employees are expensive at any price. Again, the service would be more or less inefficient with the possibility of maladministration thus making the smaller areas more expensive than the larger ones. The investigation made by the Poor Law Commission of 1890 revealed the fact that townships have expended more in litigation over the question of the residence of a single pauper than for the maintenance of their poor for an entire year.(2) This is the natural result of a township or small district system because the divisional lines are too close. The overseers would not be rated by their ability of administration but by

^{1858,} p. 186; 1862, p. 42; 1864, p. 486; 1867, p. 475; 1868, p. 535; 1869, p. 392; 1870, p. 187; 1872, pp. 113-114.

^{1.} Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents, 1891, Vol. VIII, Document No. 30.

^{2.} Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents, 1891, Vol. VIII, Document No. 30

their ability to keep paupers out of the district. Much of this evil is eliminated in the larger districts in the counties of Luzerne, Lackawanna and Carbon because some of them are as large, if not larger, than some counties and, therefore, might be included under the county system; but since the county has been made the basis of division between the two systems, we must place them with the districts.

A study of the map of Pennsylvania reveals the fact that the district system is confined practically to a strip of territory stretching across the state from east to west north of a line drawn through the center. It has the form of an immense wedge whose head is the eastern boundary from Northampton County northward to the northern boundary and whose point terminates with Lawrence County at the western boundary. Its sides are irregular and converging and hence it is impossible to state its width with any definiteness. Its highest development and most efficient organization is found in the Wyoming Valley where also the most intense opposition was manifested against the County System. The intensity of this opposition diminishes as we pass up the West Branch Valley and across the mountains to the western limits of the state.

The question naturally arises why is the district system confined so largely to this strip of territory and why is it so thoroughly grounded there? The Wyoming Valley, which is its Gibraltar, for many years was claimed by Connecticut and settled by her people who brought with them their New England institutions. Consequently, their form of local government was that of the township or town rather than that of the country. Familiarity with this form coupled with the natural tendency of humanity to cling to old forms and traditions led them to cling thereto and as their descendants moved down the Susquehanna Valley to Sunbury and up the West Branch and westward across the mountains, for in the United States population has always moved along paralled lines as it pushed westward, they carried with them also their ideas of town and township government. Therefore, its extensive use throughout this belt as well as its perpetuation to the present is, undoubtedly, due to this New England influence.

Note. At the legislative sessions of 1911 the following bills affecting the district system became laws: Bill No. 164,(1) Senate File, places the Middle Coal Field District under the supervision and control of the Court of Quarter Sessions of Carbon County with authority to appoint the directors and approve the erection of new buildings; Bill 756,(2) Senate File, authorizes the Court of Quarter Sessions of Luzerne County to appoint an additional director of the poor for boroughs of over eighteen thousand population where such have been incorporated out of a township or town-hips, being a part of the Central Poor District; Bill 752,(3) House File, provides for the appointment of auditors by the Court of Common Pleas of any county to audit the accounts of the directors, treas-

^{1.} P. L., 1911, pp. 731-732.

^{2.} Ibid, pp. 877-878.

^{3.} Ibid, pp. 1071-1072.

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urer and tax collectors in poor districts whose population is less than one hundred and fifty thousand and not more than three hundred thousand; Bill 140,(1) House File, requires overseers of the poor in townships of the second class to care for and maintain cemeteries not kept for profit.

Delegating the power of appointing directors and auditors to the courts is gratifying and commendable because of its tendency to diminish political influence, while assigning to overseers other duties than the mere caring for the poor shows how these officials may be used for the achievement of social betterment.

1. Ibid, pp. 1111-1112.

Chapter IX.

THE PHILADELPHIA SYSTEM.

The germ of the Philadelphia system is found in the act of 1752. which provided for the establishment of the Pennsylvania Hospital.(1) The great success of this institution led to the development of a poor law with a series of supplements between the years 1766 and 1771 on the same basis in order to cope with the relief problem that confronted the city and its suburbs.(2) The changes wrought by the war and the occupation of the city by the British in 1777 and 1778 necessitated the passage of the act of 1782,(3) providing for a succession to the old board of managers in the persons of the overseers of the poor of the city and the districts under the title of,"The Guardians of the Poor of the City of Philadelphia." The official board created by the act of 1766 passed out of existence by 1788 and the responsibility for the administration of poor relief rested with the guardians until 1803. The years from 1794 to 1798 are memorable in the history of Philadelphia on account of the yellow fever epidemics. Business and social relations were disorganized; all who could fled from the scenes of misery and wretchedness while the city fell a prey to

^{1.} See cap. IV, above.

^{2.} Ibid.

^{3.} See, cap. V, above.

vagabonds and thieves.(1) The destruction wrought was so great that years were required to restore normal conditions, not only in the city, but also in the contiguous districts that suffered along with it. To facilitate the restoration of normal conditions and at the same time provide for the ever increasing demands upon public charity in a growing and developing municipality the legislature in 1803 passed what is known as the "Law of 1803."(2)

By it a new board of guardians was created consisting of thirty substantial householders, inhabitants of the respective districts of whom sixteen were to be chosen by the Select and Common Councils of the city of Philadelphia, eight by the Justices of the Peace of the township of The Northern Liberties and six by the corporation of the district of Southwark.(3) This board was made a body politic and corporate in law under the name and title of, "The Guardians of the Poor of the City of Philadelphia, the district of Southwark and the township of The Northern Liberties," with all the privileges, powers and faculties of a corporation and authorized to organize so as to secure rotation in office, to receive and hold real estate by gift, grant or bequest not exceeding sixteen thousand dollars

^{1.} McMaster—History of the People of the United States, Vol. II, p. 413.

^{2.} P. L. (Bioren) Vol. IV, pp. 50-67.

^{3.} The appointing of Guardians for The Northern Liberties and Southwark was transferred in 1809 from the justices of the peace to the Commissioners of the districts. (P. L. (Bioren) Vol. V, p. 38.)

yearly value, to sue and be sued, to plead and be impleaded and to make such laws, rules and orders as may be necessary for the government of the corporation and not inconsistent with the constitution and laws of the state or of the United States.(1)

Section four (2) authorized the guardians thus chosen to appoint a board of managers out of their own number, consisting of eight from the city, two from The Northern Liberties and two from Southwark to superintend the almshouse and the house of employment. The members were exempted from all the duties of overseers of the poor as well as jury service in order that they might discharge their duties more effectually. One-half of their number was to be renewed every six months. They were authorized to make such rules, by-laws and regulations as were necessary for the government of the inmates of the almshouse and the house of employment, subject to the approval of the Chief-Justice and the Attorney-General and not inconsistent with the constitution and laws of the state and of the United States. With the approbation of four alderman of the city and of any two justices of the peace of The Northern Liberties and of Southwark they were to make and levy the annual poor rate based on the latest county assessment and together with the board of guardians ap-

- 1. An amendment to this act passed April First 1805 placed all money for the use of the poor in the hands of the guardians for the benefit of the poor according to their regulations, (P. L. (Bioren) Vol. IV, pp. 247-248.)
 - 2. P. L. (Bioren) Vol. IV, p. 52 et sequor.

point a collector thereof; also a treasurer from their own number to receive all moneys and disburse the same on orders lawfully drawn by the board and a clerk to keep fair and accurate minutes of all their proceedings. Regular relief was to be granted only on orders signed by at least two guardians, except in cases of emergency when the managers were allowed to grant limited sums to such poor persons as had acquired a legal settlement and also to others until they could be removed to the place of their last legal settlement provided they could give the necessary security to insure reimbursement for the expense incurred. All poor children were to be bound out as apprentices as well as all disorderly persons, except married men and women and persons over forty years of age who were to be bound for such time and service only as would repay the sum or sums advanced.(1)

Fifteen of the thirty-six sections constituting the law deal with the settlement problem(2) which the ravages of the yellow fever epidemics and the hordes of thieves, vagabonds and vagrants that always follow in the wake of disasters made so acute. As relief from the pressing burdens was the chief consideration in its enactment the space devoted to the problem was not excessive. Settlement was acquired by the execution of any public office to which any one was elected or appointed for the space of one whole year; by the payment of the public

^{1.} P. L. (Bioren) Vol. IV, pp. 50-57.

^{2.} Ibid, pp. 57-65.

and the poor taxes for two successive years; by taking a bona fide lease of lands or tenements of the yearly value of ten pounds and residing thereon for one whole year at one time, or by becoming seized of a freehold and dwelling thereon in the same manner and for the same time; by a servant or indentured apprentice after one year's residence and service with his or her master or mistress, or by a legally imported servant after a service of sixty days following such importation; but in case such servant shall have served elsewhere in the state, then after one year's residence and service. The settlement of a married woman or widow was to be that of her husband, if she had one, if not, then the place where she was last legally settled before her mar-Persons coming from any other part of the state to dwell in any district embraced within this act, in order to acquire a legal settlement and be entitled to relief, must bring certificates of legal residence from the overseers of the district they remove from, attested by two credible witnesses and one or more of the justices of the peace. Those who came without certificates must give security for indemnifying and reimbursing the city, either at their coming or within three months thereafter. Negroes and mulattoes, whether slave or otherwise, shall be regarded as having legal settlement at the place where their masters or mistresses had them registered, in case they were slaves, and at the place of their manumission in case they were free; and in case they were not free nor liberated after attaining the age of twenty-eight, the overseers

may recover from their masters or mistresses the sum or sums expended for their relief.

Upon complaint made before any alderman or justice of the peace that a certain person was liable to become chargeable an order was to be issued for his removal to the place of last legal settlement, unless sufficient security was given for indemnifying the city or a district for any necessary expense that may have to be incurred. The overseers of the district to which such removal was directed were required to receive the person so removed on penalty of twenty dollars for every case of neglect or refusal.

Aged persons, infants, maimed, lunatics, vagrants and vagabonds brought within the city by any vessel and appearing likely to become chargeable were to be carried or transported by the master of the vessel or the importer of them to the place from whence they were brought or else indemnify the city, district or township for any charge that may result. Persons who received into or entertained within their homes persons who had not acquired a legal settlement in the city, district or township were required to give notice thereof to the overseers within three days subject to a fine of four dollars for every case of neglect or re-If any person so entertained fell sick so that removal to his or her place of last legal settlement was impossible, the person entertaining such person was required to provide for and maintain him during such sickness and, if he died, to defray the expenses of his burial; the same to be assessed by

the guardians against the offending person or persons and collected by due process of law, if necessary. Persons coming into any district embraced within the scope of this act and falling sick or dying before they have acquired a legal settlement so that removal is impossible, in such case the overseers of the place of their last legal settlement shall be notified and payment required for the expenses incurred thereby. In case the place of last legal settlement of such persons is far distant, temporary relief shall be granted and a bill for the same transmitted with the person when he shall be removed to the place of his or her last legal settlement, directed to the overseers thereof and payment demanded and enforced by law, if refused.

The father and grandfather; mother and grandmother; children and grandchildren of every poor,
old, blind, lame and impotent or other person not
able to work; being of sufficient ability, shall relieve
such person or persons as the Mayor's Court may
direct, subject to a fine of seven dollars for every
offense. Wherever and whenever men without
cause desert their wives and children and women
their children, having estates, the guardians may
seize by process of law so much thereof, or of the
income thereof, as may be necessary to relieve and
care for those left dependent, and in case no estate
could be found, apply to court for an order requiring the offenders to pay the sum necessary or commit them to gaol until they shall comply therewith.

Aggrieved parties were allowed an appeal to the Mayor's Court of the city or to the Court of Quar-

ter Sessions for the county. Taxes, fines and forfeitures were collectible by distress and sale of goods with imprisonment without bail or main prize for the want thereof until offenders shall have complied with the respective provisions. After providing for the appointment of a board of auditors and the perpetuation of the old board until the new shall have qualified and organized, the act concludes with a repeal of all laws heretofore passed relating to the poor of Philadelphia, The Nothern Liberties and the district of Southwark.

The act was actually a codification of the laws relating to the poor of Philadelphia and its outlying districts, passed since 1766.(1) Eliminating rearrangement and restatement of important features we find only verbal changes remaining. In its new form it simplified administration and increased efficiency, two things essentially necessary at that time on account of existing disorders. With the exception of the amendments of 1805 and 1809 it remained unchanged until 1828. The former directed that all moneys raised for the use of the poor should be under the control and supervision of the general board of guardians and that in case any vacancy occurred by death, resignation or otherwise it should be filled by that constituent part of the board in which it occurred; (2) the latter prescribed a uniform mode for choosing guardians in the districts, viz., by their representative bodies.

^{1.} Laws of 1766, 1771, 1779, 1782, 1785 and 1789.

^{2.} P. L. (Bioren) Vol. IV, p. 428.

^{3.} Ibid, p. 38.

In every growing and developing community new problems and issues arise continually. In this Philadelphia proved no exception. Schools, debtors' prisons, immigration, intemperance, juvenile delinquency, crime and pauperism, all demanded legislation. Between 1810 and 1830 occurred a general westward movement of population from the seaboard states and cities. The vacancy thus created was filled by immigrants from England and Ire-With their advent came also a vast increase in intemperance, crime and pauperism. Prisons vere overcrowded with malefactors of every kind thile almshouses and work houses were filled with oreign paupers. The regular channels of relief ere no longer capable of meeting the ever increasg pressure for help. Every winter larger and ger demands were made upon the people for prite contributions for the relief of the poverty stricken.(1) These frequent and continued calls were becoming, not only grievously burdensome, but also obnoxious, causing inquiries to be made as to the causes of the disorders. While some attributed them to the general idleness and demoralization that followed the War of 1812, "all admitted that crime, profaneness, desecration of the Sabbath, intemperance and pauperism prevailed everywhere to an extent which called loudly for public interference."(2)

^{1.} McMaster—History of the People of the United States, Vol. IV, pp. 522-549. The entire chapter deals with the subject of pauperism and crime.

^{2.} Ibid, pp. 524-525.

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In response to this demand the legislature of Pennsylvania on the Second of April, 1821, passed an act which directed the governor to appoint a commission of nine respectable citizens of Philadelphia, "to investigate the causes and extent of the increasing pauperism of that district and to submit to the legislature at its next session in the form of a report, the result of their inquiries therein, together with such plan for the future support and government of the poor of said district, as may in their opinion be calculated to promote the public interest."(1) The managers of the almshouse, the guardians of the poor, the county commissioners, the controllers and directors of the public schools and officers within the city and county of Philadelphia were required to furnish such books, documents and other information as might be necessary for the performance of its duties. The commissioners were to receive no compensation for their services, but the guardians of the poor were to pay the clerk hire and other necessary expenses out of the poor funds.(2)

On January Twenty-ninth, 1825, the commission made its report to the legislature. It condemned severely the existing system as being English in nature, adapted for a country with privileged orders and not for one with equal rights and plenty of room for existence. The system of compulsory public provision for the poor will always increase

^{1.} P. L. (Bioren) Vol. VII, pp. 450-451.

^{2.} Ibid.

and aggravate the evil it is intended to relieve, demoralize the laboring classes, promote idleness and licentiousness among the poor, destroy frugal and industrious habits, impair social affections, and throw the burden of maintaining the idle and profligate upon the thrifty and the provident.(1) view of these facts it recommended that guardians, overseers and directors make annual reports to the legislature on the state of pauperism in their respective districts; that future poor rates be no higher than the present; that the granting of orders for removals be prohibited as well as the giving of aid to the able bodied who have no legal settlement; that the poor laws be amended so as to provide for the making and levying of assessments more in harmony with the principles of our government and that a bill be introduced in conformity with the principles of this report.(2)

The result was the Act of 1828 relating to Philadelphia and its surrounding districts. (3) While it introduced a number of changes it was really a supplement to the law of 1803 and superseded it only in such parts as were either inconsistent or obsolete. The first section created a new official board known as "The Guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark and the townships of the

^{1.} Hazard—Register of Pennsylvania, Vol. II, No. 4, pp. 149-155, August 9, 1828.

^{2.} Hazard—Register of Pennsylvania, Vol. II, pp. 68-69, August 12, 1828.

^{3.} P. L., 1828, (Keefe) p. 62 et sequor.

Northern Liberties and Penn." It was to consist of twelve respectable citizens to be chosen by the select and common councils for the city of Philadelphia and by the commissioners of the districts for the respective districts and be distributed as follows; six for the city of Philadelphia, two for the township of the Northern Liberties, two for the district of Southwark, one for Spring Garden and Penn township and one for Kensington and the unincorporated part of the Northern Liberties.(1) The creation of this new board was in no way. however, to effect a dissolution of the old corporation. Section twenty stated specifically that the new guardians were to be deemed the successors of those then in office, "continuing and preserving the said corporation as if this act had never been passed,"(2) and required them to perform and execute all contracts and obligations entered into by their predecessors.(3)

Section three created an additional board under the name and style of "The Directors of the Poor Tax." It was a duplicate of the board of guardians except that its members were chosen from the members of the select and common councils for the city and from the commissioners of the other districts for the respective districts. The guardians were required to present to the directors of the poor tax a yearly estimate of the probable expense for

^{1.} P. L., 1828, (Keefe) p. 62 et sequor.

^{2.} Ibid, p. 175.

^{3.} Ibid.

the relief, support and employment of the poor which sum the directors were required to raise by making and laying a rate of assessment not exceeding fifty cents on the hundred at any one time on the value of all real and personal estate and one dollar per head on every freeman in every fifty cent tax "and so in proportion for every less rate on the county assessment."(I) All loans except those provided for in section eleven had to receive its approval before they could be negotiated.(2) It may be characterized as the financial agent for the guardians.

Another specific departure from the former law is found in the Eighth Section which authorized the guardians to appoint six suitable persons, residents of the city and of the respective districts, to be "visitors of the poor." (3) They were to hold office at the discretion of the board, to give security for the faithful performance of their duties and to receive such compensation as the guardians might determine. As agents of the board they were required to visit all applicants for relief, investigate their applications and report thereon in writing to the board giving the, "residence, name, age, sex, colour, birthplace, number of children, if any,"(4) upon the receipt of which the board was to determine what aid, if any, should be granted. In cases of emergency they were allowed to grant temporary

^{1.} P. L., 1828 (Keefe) p. 175.

^{2.} Ibid, p. 164.

^{3.} Ibid, p. 168.

^{4.} Ibid.

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relief with the approval of one of the guardians and required to make a report of the particulars thereof to the board at its next meeting. To administer the provisions of the act thoroughly and efficiently such sub-visitors and other officers were to be appointed as were deemed necessary.(1) Alongside of the provision creating this body of social workers must be placed another which required separate records to be kept of every person admitted to the almshouse or house of employment, charging him with the amount of relief granted and crediting him liberally for any work or service he or she might render. Idle, disorderly and vagrant persons as well as those reclaimed from vice were to be detained in the house of employment until their services compensated for the expenses incurred in their To make the above provision effective. behalf. such discipline could be administered as was deemed necessary, provided both the discipline and the work were not inconsistent with their physical ability.(2)

The act next takes up the problem of the removal of the almshouse and house of employment from its present site on Tenth Street to a site not more then two miles from Market and Broad Streets. For this purpose another commission of twelve men, similarly chosen, was created under the name of "Commissioners for erecting buildings for the accommodation of the poor." (3) It was empowered

^{1.} P. L., 1828 (Keefe) p. 168.

^{2.} Ibid, p. 171.

³ Ibid, p. 169

to sell the old site and buildings, purchase another and erect thereon the necessary buildings and pay for the same by the proceeds derived from the sale of the present property. Should any deficit result it was to be met by negotiating a loan not exceeding two hundred and fifty thousand dollars. All its acts had to be approved by the guardians of the poor the same as those of the directors of the poor tax and of the board of visitors.(1)

In the settlement and apprenticeship provisions only a few changes appear. The length of service for a legally and directly imported servant was extended from sixty days to six months.(2) An illegitimate child was to be deemed legally settled at the place of the mother's legal settlement at the time of its birth.(3) A child having received public support to the age for binding out cannot claim a discharge through its parents unless they refunded the expenses incurred for its support.(4)

To meet the problem created by immigration the master or commander of every ship on entering the port of Philadelphia was required within twenty-four hours after arrival to make a written report on oath or affirmation to the mayor, or in his absence, to the recorder or any alderman or justice of the peace, giving the name, age, occupation, place of birth, and last legal settlement, if known, of every

^{1.} P. L., 1828 (Keefe) pp. 170-171.

^{2.} Ibid, p. 173.

^{3.} Ibid, p. 173.

^{4.} Ibid, p. 172.

person brought on the ship's last voyage from any place outside of the state, and also of all persons permitted to land at some other place or transferred to any other vessel with intentions of proceeding to this port, together with the owners or the consignees thereof, subject to a penalty of seventyfive dollars for every person neglected to be reported or falsely reported.(1) By a short endorsement on the report by any of the above named officials, he could be further required to pay to the guardians of the poor two dollars and fifty cents for every passenger, not a citizen of the United States, or become bound to them by two sufficient sureties in such sum as may be deemed proper, not exceeding one hundred and fifty dollars for every person, to indemnify the guardians, their successors and the inhabitants of the city and the districts for any expense which they may have to incur for the "maintenance and support of any such person, or the support of the child or children of any such person which may be born after such importation in case any such person or any such child or children shall at any time two years of said bond become chargeable to the said guardians of the poor or to the districts or the townships."(2) The master or commander was also required to bear all legal expenses and, if he refused to pay the head tax or give the required bond within five days after the vessel's arrival, he, or "the owner or owners, con-

^{1.} P. L., 1828 (Keefe) pp. 173-174.

^{2.} Ibid, p. 174.

signee or consignees," were to be subjected "severally and respectively" to a penalty of five hundred dollars for every person not a citizen of the United States for whom the officials determined that bonds should be given or taxes paid. To enforce payment of these fines and penalties a "writ in action of debt" was to be issued commanding the sheriff of the city and county of Philadelphia to attach the said ship or vessel with all its apparel and furnishings, and if the attachment should not be dissolved within ten days after the return of the writ, judgment by default was to be entered and a sale effected.(1) The bill reached final passage on the Fifth of March, 1828(2) and together with the law of 1803 became the new basis for the administration of poor relief in the city and the districts named therein.

The building commission created for the purpose of purchasing a site and erecting thereon suitable buildings for the accommodation and employment of the poor was no more successful in the management of its finances than that of 1766. In June 18-32 an act was passed which required the submission of every contract for work on the new almshouse buildings to the board of guardians for its approval and forbade any guardian or commissioner from being concerned therein either directly or indirectly.(3) Another law passed the same year autho-

^{1.} P. L., 1828 (Keefe) pp. 174-175.

^{2.} Ibid, p. 176.

^{3.} P. L., 1831-1832, p. 619.

rized the guardians to contract an additional loan to be used along with the previous one together with the proceeds derived from the sale of the old property for speedily completing the new buildings.(1) By means of these additional provisions the new buildings at Thirty-fourth and Pine Streets in West Philadelphia were made ready for the reception of the poor before the close of the year 1832.

The contention that outdoor relief in the form of money creates "a list of pensioners who feed upon the public purse, without check or control and demanded as a right and received as a right,"(2) was so strong in 1828 that it was forbidden by an act of that year.(3) By 1840 this feeling had so far moderated as to allow the passage of a law repealing the former act passed in 1828 and authorized the granting of such relief on the report of a visitor and the consent of a majority of the guardians, for a period not exceeding six months, unless renewed in like form.(4) It also repealed the provisions of the act of 1828 relating to the directors of the poor tax and authorized the guardians to borrow money and lay such assessments as were necessary to effect needed improvements to the West Philadelphia property.(5) Another act passed the same year changed the yearly value of a bona fide lease for

^{1.} P. L., 1831-1832 p. 57.

^{2.} Hazard—Register of Pennsylvania, Vol. III, No. 9, pp. 134-135.

^{3.} P. L., 1828, (Keefe)p. 168.

^{4.} Ibid, 1840, p. 12.

^{5.} Ibid.

acquiring a settlement from ten dollars as provided for in the Law of 1836 to ten pounds so far as related to the districts embraced in the Laws of 1803 and 1828.(1)

In 1834 Moyamensing applied for reception as an integral part of the Philadelphia Poor District.(2) Provisions inserted as riders to two general acts in 1844 authorized the guardians to receive the poor of Moyamensing as well as those of Spring Garden and Kensington into Blockley Almshouse, to levy poor taxes in these districts, to appoint visitors for them and to provide for their choosing guardians to represent them on the official board.(3) Two years later a stringent law relating to desertion was added to the poor relief statutes of the city which provided for the arrest and binding over to court of every husband or father deserting without cause and upon his refusal to pay such sum as the court may determine for the maintenance and support of his wife and children, if any, to commit him to prison there to remain until he shall comply therewith or be discharged under the insolvent debtors' Law of 1836.(4) In 1849 the provisions of the act of 1828 relating to the payment of a head tax of two dollars and fifty cents by the master or commander of a vessel for any person not a citizen of the United States was repealed(5) and in 1851 the guard-

^{1.} P. L., 1840 p. 513.

^{2.} Hazard-Register of Pennsylvania, Vol. XIV, p. 235.

^{3.} P.L., 1844, pp. 522-523 and 534.

^{4.} Ibid, 1846, p. 173.

^{5.} Ibid, 1849, p. 214.

ians of the respective districts were empowered to appoint the visitors to the poor and physicians and apothecaries for the outdoor relief in their respective districts.(1)

The Incorporation Act of 1854(2) incorporated into the city a number of townships and districts contiguous to it in order to create a Greater Philadelphia. Its poor law provisions created a new board of administration which was to consist of one citizen from each ward chosen by the qualified voters thereof who was to possess the qualifications necessary for members of the state Senate. Manayunk, Roxborough, Germantown, Bristol, Frankford, Whitehall, Oxford, Lower Dublin, Delaware. Moreland and Byberry, having their own laws relating to the support of their poor, were exempt from its provisions. In them no election for guardians was to be held nor any change made for the care of their poor without their consent. As soon as the new board was organized it became the legal successor of the old in name and fact, invested with all the powers, faculties, privileges and im. munities and subject to all the laws of the commonwealth governing corporations. The city treasurer was made the receiver and disburser of all moneys for the use of the poor. In 1857 the first, second, third and fourth election divisions of the Twentysecond Ward also became a part of the Philadelphia Poor District in name and fact.(3)

^{1.} P. L., 1851, p. 266.

^{2.} Ibid, 1854, pp. 33-34.

^{3.} Ibid, 1857, p. 358.

The new board's life was five years. An act passed in 1859(1) effected a sweeping change. The provisions of the law of 1854 relating to the election and organization of the board of administration were repealed except in the Twenty-second Ward and such parts of the Twenty-first and Twenty-third as had special laws and organizations. A new board was constituted composed of, "nine reputable citizens and electors of Philadelphia to be appointed as follows: three by the Judges of the District Court of the county and city of Philadelphia; three by the Court of Common Pleas; and three by the Judge of the Supreme Court of the State."(2) on the principle of rotation. The Select and Common Councils were to appoint three in like manner.(3) The persons so appointed were to meet on the first Monday in July following for organization and assumption of all the duties and responsibilities of the displaced board. Vacancies were to be filled by the body which made the original appointment. Upon conviction in any court of criminal jurisdiction of any member or members of the said board of guardians of "any wilful misapplication of the funds or property of the said boards, or funds or property of the city of Philadelphia, or of any fraudulent and corrupt official act, he or they so offending and convicted shall be sen-

^{1.} P. L., 1859, pp. 400-403.

^{2.} Ibid.

^{3.} The second section while specifying that the new board shall consist of nine men really provides for the appointment of twelve,

tenced to pay a fine of not less than one hundred nor more than one thousand dollars and undergo an imprisonment in the county prison for a term not exceeding one year at the discretion of the court."(1) An act amendatory of the above became a law in 1871 whereby the Select and Common Councils were to meet yearly in joint session in the month of June and appoint four persons to be members of the board of guardians, one of whom was to represent the minority.(2)

During the next fourteen years there was no legislation of any consequence in relation to Philadelphia's Poor Law. On June First 1885 the famous Bullitt Bill(3) became a law and effected a most marked change. Among the executive departments authorized by it is the Department of Charities and Correction. It was placed "under the charge, management, control and administration of a president and four directors," who were to be at least thirty years of age, citizens and inhabitants of the state for five years and of the city for five years preceding their appointment, unless absent on the public business of the United States or of the state and to reside in the city during their period of service. They were required to take the oath prescribed by the constitution and to serve without compensation, but exempted from giving any security. All the powers vested in the board of the guardians of the poor and of the managers of the

^{1.} P. L., 1859, pp. 402-403.

^{2.} Ibid, 1871, p. 1316.

^{3.} Ibid, 1885, pp. 29-30.

house of correction were transferred to the new department and the management and control of all "almshouses, charities, hospitals, houses of correction and all similar institutions wholly under the control of the city,"(1) except the Lazaretto and the property under the control of any board of directors of City Trusts.(2) A supplementary act passed in 1903 changed the name of the department from the "Department of Charities and Correction," to the "Department of Public Health and Charities," and placed it in charge of a director and an assistant director appointed by the Mayor. The term of office of the director was to be four years from the date of his appointment unless removed on account of improper official conduct. The director is the chief executive officer of the department and empowered to "appoint, supervise and control all the subordinate officers and employees attached"(3) thereto; also all vaccine physicians and health officers and have general charge and supervision of all municipal hospitals for the treatment of contagious diseases.(4) To the department as constituted by this amendatory act is confided the "care, management, administration and supervision of the public health, charities, almshouses, hospitals and all other similar institutions, the control or government of which is entrusted to the city."(5)

^{1.} P. L., 1885, pp. 29-30.

^{2.} Ibid.

^{3.} Ipid, 1903, pp. 156-157.

^{4.} Ibid.

^{5.} Ibid.

When the Incorporation Act of 1854 became a law a number of the boroughs and townships which thereby became a part of the city had existing arrangements for the support of their poor. These were not disturbed and any future change was to become effective only by the consent of the voters of the respective districts.(1) All except three of the eleven named in the act have since been joined with the city and their poor transferred to Blockley.

Germantown.

The effects of the disordered social conditions which existed in Philadelphia during the closing decade of the Eighteenth Century and the opening of the Nineteenth gradually reached Germantown and disturbed its peacefulness and quietness. Proximity to a growing and developing city made it to a certain extent a participant in its problems. As the means of communication improved and the distance between the two became less and less, larger and larger numbers of the dependent and shiftless would find their way into the precincts of the neighboring burgh so that by 1800 a change in the methods of relieving the poor became imperatively necessary. That same year the legislature enacted a measure in the interest of Germantown whose preamble declared that, "Whereas, the poor within the township of Germantown, in the county of Philadelphia, are becoming numerous and expensive and the charge of their support is likely to in-

^{1,} P. L., 1854, pp. 33-34,

crease without affording them so comfortable a subsistence as the well-disposed inhabitants may wish to extend to their indigent fellow citizens, for want of proper regulations for their employment and relief; and, whereas, the inhabitants have purchased a house and lot of ground as a poor-house for the reception of the poor within the township, and have been at considerable expense to put the same in good repair. (1) Therefore, be it enacted, that, two persons from each of the three districts into which the township is divided shall be appointed by the electors as managers for the relief and employment of the poor and be made a body politic and corporate in law, to perform the duties and exercise the powers of overseers of the poor."(2) They were further empowered to appoint the necessary administrative officers including a treasurer and a collector of the poor tax and make such rules, ordinances and by-laws as an efficient administration might require. A fine of twenty dollars was to be imposed for refusal to serve. Accounts were to be audited and a statement published annually. The law was to remain in force for a period of six years.(3) In administration it proved so successful that in 1814 it was made perpetual by the passage of a supplementary one.(4) In 1820 the provisions of the Philadelphia law of 1803 relating to the granting of relief and the re-

^{1.} P. L. (Bioren) Vol. V, pp. 50-53,

^{2.} Ibid, pp. 50-51.

^{3.} Ibid, pp. 51-53.

^{4.} Ibid, Vol. VI, p. 115,

moval of paupers was extended to Germantown.(1) Three years later the managers were especially authorized to bind out as apprentices all poor children(2) and in 1831 vacancies occurring in the board of managers were directed to be filled by the next highest candidate voted for at the election.(3)

The political, social and industrial changes which occurred during the twenties and thirties necessitated a change in Germantown's poor law. This change was effected by the law of 1839 which divided the township into two districts and authorized the election of three citizens from each to be managers for the relief and employment of the poor of the township of Germantown. Within ten days after their election they were to meet and organize themselves into a board which was to be a body politic and corporate with all the rights and privileges of such bodies and empowered to make such rules, regulations and ordinances for their government as well as that of the almshouse as were not inconsistent with, nor contrary to any federal or state laws. They were further empowered to appoint a secretary and treasurer out of their own number and a fit person, an inhabitant of the township, as collector of the poor tax, and prescribe the regulations for the discharge of the duties of these appointments.

All applicants for admission to the almshouse were to be examined under oath as to the cause for

^{1.} P. L., 1820, p. 333.

^{2.} P. L., 1823 (Kay) Vol, VIII, p. 49.

^{3.} Ibid, 1830-1831, pp. 47-48.

their application and, if said examination was satisfactory, an account with them was to be opened in the books, charging them for all aid received and crediting them liberally for all work and service rendered. "All idle, dissolute and vagrant persons shall be required to perform such work as they are physically able, to compensate for their maintenance and reimbursement of the managers."(1) Persons who had acquired no legal settlement were to be removed to the place of their last legal settlement and, if a foreigner, to the place where he landed, unless able to support themselves or give security to indemnify the managers in case of their becoming chargeable. As to apprenticeship, settlement, etc., the provisions of the general act for Philadelphia were incorporated. Section sixteen forbade managers to be concerned either directly or indirectly in any contract for supplies for the poor and authorized the imposition of a fine of one hundred dollars on conviction of any violation thereof. Every act or acts inconsistent therewith were repealed, but the old board was not dissolved. Those elected under the new act were to be considered its successors and all contracts, bonds and recognizances were to be in force and required to be enforced by the new managers.(2) A subsequent act passed in 1842 formed the managers into a board and authorized them to perform all the duties heretofore performed by the overseers of the poor of the township of Germantown.(3)

- 1. P. L., 1839, p. 342.
- 2. Ibid, pp. 337-345.
- 3. Ibid, 1842, p. 104.

In 1860 another act became a law which authorized the managers to sell the property on Rittenhouse Street in the most advantageous manner and with the proceeds purchase such other real estate as may be necessary and erect thereon the needed buildings; the surplus, if any, to be invested for the benefit of the poor.(1) The next year the board was increased to nine and made to serve on the rotation principle.(2) This act was repealed by the act of 1868 which provided for the election of a board of commissioners with power to sell the whole of the property on Rittenhouse Street, to invest the proceeds in other suitable property and to erect the needed buildings for the accommodation of the poor, or only that portion lying east of Green Street and with the proceeds erect the needed buildings on the unsold portion. A plebiscite was directed to be taken at the election for a board of commissioners in order to determine the question of a total or a partial sale. No obligations were to be incurred by the commissioners in excess of the proceeds derived from the sale, nor was any person connected with the management of the almshouse eligible to membership on the commission. (3) The present poorhouse for Germantown, incorporated as the "Board of Managers for the Relief and Employment of the Poor of the Township of Germantown," is situated at Rittenhouse Street

^{1.} P. L., 1860, p. 340,

^{2.} Ibid, 1861, p. 590.

^{3.} Ibid, 1868, p. 475.

and Pulaski Avenue and consequently no total sale was effected.(1)

Roxborough and Manayunk.

Germantown, previous to its application for a special law in 1809, conducted its poor relief matters according to the law of 1771. Roxborough did not apply for a special act until a quarter of a century later when it secured the passage of the law of 1833 (2) which was merely the extension of the Germantown law of 1809 to Roxborough township. Two years later another act affecting both Germantown and Roxborough became a law which required the managers to give the contracts for supplies for the poor to the lowest bidder and forbade overseers or managers to be either directly or indirectly interested in any such contract subject to a fine of one hundred dollars for every offense.(3) In 1837 a supplementary act authorized any two of the managers to examine an applicant for relief under oath or affirmation as to the place of his or her last legal settlement before granting the same. They were further empowered to issue orders for the removal of all who could not prove a legal settlement to the place of their last legal settlement unless they were able to maintain themselves, or gave sufficient security to discharge or indemnify the

^{1.} Report of the Department of Public Health and Charities, 1907, p. 24.

² P. L., 1833, p. 353.

^{3.} Ibid, 1836, p. 152.

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township in case they became chargeable. Overseers who refused to receive persons so removed were made subject to the penalties provided for in such cases. A second section conferred upon the managers the customary power of binding out as apprentices all poor children.(1)

Until 1847 Manayunk was a part of the township of Roxborough. On March Third, 1847, the act incorporating Manayunk as a borough became a law. (2) It was thereby made a separate poor district and authorized to elect three of its citizens to constitute a board of managers for the relief and employment of the poor while the council was to purchase houses and lands within the borough, or lands only, and erect thereon such buildings as might be deemed necessary for the comfortable accommodation and employment of the poor. In the assessment of poor taxes, etc., Manayunk was no longer to be connected with Roxborough.(3) Section ten of the act authorized the sale of the old almshouse and the equal division of the proceeds between the two.(4) Another bill passed a few days later granted the council of Manayunk per-

^{1.} P. L., 1837, p. 51. An act passed in 1831 imposed upon the justices of the peace the obligation of examining into the settlement of applications for relief and granting orders for removals. The act of 1837 imposed it on the managers and gave them the same power. In 1841 they were slso empowered to fill all vacancies on the board.

^{2.} Ibid, 1847, p. 215.

^{3.} Ibid, p. 215.

^{4.} Ibid, p. 216.

mission to purchase the old almshouse property, if it desired. (1) During the next two years property was purchased, mortgages executed in payment thereof and a poor house formally opened for the reception of the poor. (2) However, it was short-lived for in 1854 after the passage of the Incorporation Act, the municipality secured the passage of an act which empowered the guardians or managers of the poor of the borough of Manayunk to transfer and set over all the right, title and interest in all real and personal property held for the benefit of the poor to the city of Philadelphia, provided that the existing arrangements for the support of the poor of the same city be extended to Manayunk. (3)

Following the acts which separated Manayunk from Roxborough the latter re-established its own almshouse, administered under the laws then in force, and has continued the same until the present. (4)

Oxford and Lower Dublin.

In matters relating to the poor, Oxford and Lower Dublin Townships were governed by the Law of 1771 until 1807. A bill was introduced into the legislature that year and passed whereby the two were consolidated for the establishment of an alms-

- 1. P. L., 1847, p. 471.
- 2. Ibid, p. 87-88.
- 3. Ibid, 1854, p. 337.
- 4. Report of the Department of Public Health and Charities, Philadelphia, 1907, p. 24.

settled in either of the towns house should be erected and sur them. The law as framed was s plicate of the act for the erection for the county of York except of the board of directors of th board of auditors. The former eight citizens, one-half of whom w by each township, to serve two ye tion principle. The board of audi sist of one reputable citizen from and required to issue a written or statement concerning the affairs of (2) In 1816 a supplementary act wa extended the provisions of the Ph of 1803 relating to the removal of townships of Oxford and Lower Du

The supplementary act of 1827 1 cial board from eight to four, two f ship, who were to hold their offices period of time, be vested with the sa subject to the same penalties as d by virtue of the act 4to the existing statutes which instructed every director to grant orders for the admission of applicants to the house of employment and also for outdoor relief in case of sickness until the next meeting of the board which was then to determine the matter of further relief. If there existed any doubt as to the legal residence of the applicant, he was required to submit to an examination before two justices of the peace, and, if it were found that he had no legal settlement, an order was to be issued for his removal accompanied with a bill setting forth the sum expended for his relief, directed to the overseers of the place of his last legal settlement for payment. All relief granted to a poor person was to be charged in a book and credit given for whatever work he performed. All persons admitted or relieved might be required to perform such work as the directors judged them physically able to compensate for the expense incurred and to use such force as might be necessary to compel the performance of the assigned duties. Children who became chargeable were to be bound out as apprentices with respectable families. Parents were permitted to claim their children upon payment of the expenses incurred for their relief.(1) In 1853 the township of Delaware, formerly a part of Lower Dublin, was granted all the rights, privileges and interests in the almshouse and house of employment which it had before its separation and authorized to elect two directors to represent it on the

1. P. L. (Keefe) Vol. II, pp. 250-251.

thorizing the directors to bor money and execute mortgages their repayment. (2) The con of 1874 forbade further local 1 sequently, they like Germantov are governed by the respective ments named.

Bristol Townsl

In 1823 Bristol Township secu a law authorizing it to erect an better employment, relief and su which was practically the same introduction of the county system except that the official board is c of the poor," instead of "director It was to continue in force six mentary act passed in 1829 repealtion and made the remainder perquently it was merged with Phila

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ing poor relief under the Law of 1771 until 1827 when the provisions of the Philadelphia Law of 1803, relating to the granting of orders for the removal of paupers, etc., were extended to them.(1) From this time forward their poor relief matters continued without interruption until 1870 when by an act of the legislature they were merged into one district and authorized at the next general election to elect two persons to serve as overseers of the poor and three others to constitute a board of auditors to audit the overseers' accounts. The next year they were again separated and remained thus until they were merged with Philadelphia.(2)

West Philadelphia.

The district of West Philadelphia administered poor relief through overseers chosen under the provisions of the Law of 1771 and later under that of 1836 until it became a part of Philadelphia when the city authorities assumed charge of its poor.(3)

Summary.

The social and economic changes of the closing decade of the Eighteenth Century necessitated the passage of the law of 1803 to relieve the conditions created thereby. The increase of population, foreign immigration and internal changes demanded the enactment of the supplementary law

^{1.} P. L. (Keefe) Vol. I. p. 436.

^{2.} P. L., 1871, p. 1249.

^{3.} Ibid, 1845, p. 132 and 1852, p. 323.

of 1827. Five years later the almshouse at Thirtyfourth and Pine Streets, now known as Blockley, was opened and the old property at Tenth and Spruce Streets sold. In 1854 the consolidation act became a law whereby the surrounding townships were incorporated with the old city to constitute a "Greater Philadelphia," their poor transferred to Blockley and the laws of 1803 and 1827 extended to all except those which had existing regulations for the care of their poor. The Bullitt Bill of 1885 provided for a "Department of Charities and Correction," which the amendatory act of 1903 changed to "The Department of Public Health and Charities." The old board of guardians was dissolved and its effects together with the institutions under its care placed under the charge of the new department. All of the surrounding townships incorporated with the city by the Act of 1854 were one by one merged with the city except Germantown, Roxborough, Oxford and Lower Dublin which have almshouses of their own administered under provisions existing before the incorporation. At the legislative sessions of 1909 an attempt was made to merge them with the city and transfer their poor to Blockley, but the determined opposition of their citizens defeated the plan. The Philadelphia system like the county and the district systems lacks unity and there appears no evidence that the districts possessing special privileges are willing to surrender them for the sake of securing unity and efficiency in their poor law and its administration.

Chapter X.

THE LAW OF 1836.

When the Act of 1771(1) went into effect Pennsylvania was a Proprietary colony and an integral part of the British Empire. It was quite natural, therefore, that the law should follow English precedents and practices. When it was made perpetual on the Sixth of April, 1776(2) the colonial regime hung by its last threads. Six weeks later the new state assembly by special act authorized all constables, coroners, overseers of the poor and supervisors of the highways to continue in office and discharge the respective duties thereof until new appointments should be made.(3) The change was really one of sovereignty not law. The great problems involved in the unification and reconstruction of America, declared free and independent in 1776, absorbed almost completely the attention of the political scientists and the legislators and excluded social legislation.

The cataclysm of 1776 followed by more than five years of war wrought vast and far-reaching changes in the social and political structure of the country. The evils of the anarchic period of the

^{1.} Statutes-at-Large, Vol. VIII, pp. 75-95.

^{2.} Ibid, p. 474.

^{3,} Ibid, Vol. IX, pp. 17, 18 and 32.

nation's existence followed by the ravages of the yellow fever epidemics from 1794 to 1798 made changes imperative. The counties evolved the county system,(1) Philadelphia secured the passage of the law of 1803(2) while insolvent debtors and the education of the poor were not overlooked. This was followed by another period of war and commercial distress in whose train came a number of new problems closely related to poor relief which finally compelled the revision of the Law of 1771.

In the early Twenties large numbers of hardy, thrifty and adventurous citizens of the seaboard states crossed the Alleghenies and settled in the valleys of the Ohio, Tennessee, Cumberland and Kentucky and in the region around the Great Lakes.(3) Immigrants from England and Ireland who were unacquainted with American ideals and methods took their place in the old states in consequence of which the social structure of the east was markedly changed.(4) Readaptation was slow and difficult causing many to fall below the poverty line and congesting again and again the ordinary channels of poor relief.

Pauperism, dependency, delinquency and petty crime increased out of all proportion to the increase of population and called loudly for forcible inter-

^{1.} P. L. (Bioren) Vol. III, pp. 306 et sequor.

^{2.} Ibid, Vol. IV, pp. 50 et sequor.

^{3.} McMaster—History of the People of the United States, Vol. IV, p. 523.

^{4.} Ibid.

ference by the state. Year after year large sums were contributed by public spirited citizens for the relief of these classes with no appreciable results. These continuous and insistent demands finally became unbearable. In order that there might be a diminution of such calls the committees and overseers who distributed the contributions were urged to investigate the existing conditions and ascertain, if possible, the causes of pauperism and suggest a To keep public attention fastened thereon, the Pennsylvania Society for the Promotion of Public Economy was founded in 1817. Among its committees were the following: suppression of tippling houses and promotion of sobriety and industry; examination of the poor laws; management of prisons; and improvement in the education of the poor.(1)

The last one reaped the first fruits of the wave of improvement. The constitution of Pennsylvania provided for the establishment of schools in which the poor might "be taught gratis."(2) The act of 1802 made it lawful for poor parents to send their children to the most convenient school and have them educated at the public expense.(3) An act passed the previous year made similar provisions for a period of three years and authorized the laying of a special tax to meet the expenses in-

^{1.} McMaster—History of the People of the United States, Vol. IV, p. 526.

^{2.} Ibid, pp. 526-527.

^{3.} Ibid, p. 527. Act of April 24, 1809.

the poor by the Society for the Economy a plan was mature schools on the Lancastrian(3 into law on the third of Mar Philadelphia became the firs Pennsylvania.

After fourteen more years and agitation a free public sch vided for the whole state, and poor afforded the same opports an education as those of the ric

The committee on prisons was most distressing conditions. Deperiod a law was placed on the s

- 1. P. L. (Carey & Bioren) Vol. VI,
- 2. P. L. (Bioren) Vol. V, p. 73.
- 3. This system is also known as the of Bell and Lancaster." The latter grantered by the use of a few conduct cient number of teaching monitors drawanced pupils and a detail of conduct.

made it lawful for a magistrate to commit without appeal for debts under forty shillings. Stays of execution were denied and the poor who owed a few pence were dragged into prisons on so-called "spite actions," where they suffered untold misery until relieved by death or by some friend who paid the debt.(1) The Act of 1792 obligated the state to provide fuel and blankets for those who were too poor to provide the same for themselves and also allowed seven cents per day for food to be charged against his creditors with the privilege of a discharge from imprisonment, if the creditor refused or failed to pay the same after a ten day's notice.(2) The "Bread Act" of 1814 allowed a discharge for a debtor whose indebtedness did not exceed fifteen dollars after an imprisonment of thirty days.(3) It also exempted from seizure for debt, "household utensils, not exceeding the value of fifteen dollars; the necessary tools of a tradesman, not exceeding twenty dollars; all wearing apparel, two beds and the necessary bedding, one cow and a spinningwheel."(4) The Act of March Twenty-eighth, 1821, added a stove to the above list while that of the Thirty-first of the same month and year added six sheep for all debts contracted after September following and extended the exemp-

^{1.} McMaster—History of the People of the United States, Vol. IV, p. 533.

^{2.} P. L. (Bioren) Vol. III, pp. 78-79.

^{3.} Ibid, Vol. VI, p. 195.

^{4.} Ibid,

tion to the widow of a deceased debtor.(1) The provisions of these acts together with some other changes were embodied in 1828 in a general act and the individual acts repealed.(2) The exemption on household goods was raised from fifteen to twenty dollars in value; tradesmen's tools remained the same, but otherwise there were some material changes. Among the exemptions was a limited quantity of livestock with its products; also fuel, hay, grain, vegetables and other provisions as well as "the Bible and the school books in use in the family."(3) Widows of deceased debtors were granted the same privileges and exemptions.(4) Helpful as these measures were to the poor debtor, it was not, however, until 1842 that the long looked for hope was realized. On July Twelfth of that year the bill became a law which abolished imprisonment for debt. It forbade arrest and imprisonment for debt on any civil process issuing out of any court of the Commonwealth except in enforcement for contempt, for fines and penalties, for promises to marry, for moneys collected by public officers, for misconduct or neglect in office, or in any professional service. (5) It relegated debtors' prisons and indentured servitude to the limbo of outworn and outgrown social institutions, removed one of the most fruitful causes of

^{1.} P. L. (Bioren) Vol. VII., pp. 426 and 445.

^{2.} Ibid (Keefe) Vol. II., pp. 285-286.

^{3.} Ibid.

^{4.} Ibid,

^{5.} P. L., 1842, p. 339.

pauperism and prepared the way for a new era in social development.

In the previous chapter(1) the report of the commission appointed to investigate the causes of pauperism in Philadelphia together with its suggested remedial measures was discussed. In 1831 a conference was held at the Apprentices' Library in the city to consider methods for the prevention of poverty. Reports were received from all parts of the state concerning the rapid increase of the dependent class. Some attributed it to the state improvements which threw a large number of idle and profligate workmen on the townships for public support; others to the excessive use of alcoholic beverages which foster vice, crime and general demoralization; Schuylkill and Chester counties to the almshouses as being asylums for the indigent because of the ease with which admission is gained and relief obtained; and still others to compulsory poor relief for the abolition of which they loudly clamored. After a thorough and exhaustive investigation of these reports and a long and animated discussion a committee was appointed which reported that inasmuch as the different classes of society are dependent on one another, it is the imperative duty of all to enlighten the poor by inculcating the habits of morality and industry, by giving friendly counsel and by strengthening harmony of feeling. It further proposed that the city and the townships be divided into districts and

^{1.} Chapter IX, pp. 172-173

a visitor appointed for each for the elimination of the deceptions of the unworthy and the loud claims of the sturdy pauper, as well as the abolition of pecuniary donations and aid in kind because too frequently they are premiums on indolence and poverty.(1)

With social legislation advancing along the lines indicated and the intense interest manifested by the most substantial citizens of the state in the problems of poverty the revision of the old colonial statute of 1771 could not be postponed much longer. Consequently the legislature took up the question of revision and on June Thirteenth, 1836(2) passed a new law which with a few later amendments is Pennsylvania's present poor law. It naturally divides itself into eight divisions or groups of subjects as follows: (1)Relief and employment; (2)settlement; (3)removals and appeals; (4)liability of persons for the support of others; (5)desertion; (6)duties of overseers; (7)vagrancy, and (8)fines and penalties.

- 1. Relief and employment. Relief is restricted to those poor persons who have a legal settlement within the district.(3) Of these, those who are unable to work are to be supplied with the neces-
- 1. Hazard—Register of Pennsylvania, Vol. III, p. 18, October 29, 1831, pp. 284-285. There exists no evidence that any definite results followed the adoption of the report.
- 2. P. L., 1836, pp. 539-551. Also Purdon—Digest, Vol. II, pp. 1153-1161.
- 3. For the meaning of the term district, see note following the preface.

sary means of subsistence without cost to themselves while those who are able to work are to be furnished with work according to their ability, for which purpose suitable places and a sufficient stock of material is to be provided. It was also made lawful for the overseers of any district to employ every poor male person of sufficient ability with the concurrence of and under the direction of the supervisors of the highways, "in opening or repairing any road or highway within said district." (1) Non-settled poor are entitled to receive relief until they can be removed to their place of last legal settlement. The overseers are also authorized to contract with any person or persons for a house or for lodging for the keeping, maintenance and employment of any poor person or persons entitled to relief and there to keep, maintain and employ them so that by their work and labor they may contribute something toward their support. Those who refuse to be kept and employed thus shall be denied relief during the period of such refusal. With the consent of two or more magistrates the overseers are to bind out all poor children as apprentices, males to the age of twenty-one and females to the age of eighteen. No poor person's name is to be entered in the poor book nor shall he receive relief until an order has been procured from two magistrates of the same county or district and presented to the overseers. Any aid granted without such an order is at the expense of the overseer

^{1.} r. L., 1836, p. 542. Purdon-Digest, Vol. II, p. 1153.

granting it unless two magistrates shall subsequently approve it.(1)

2. Settlement. Settlement may be gained or acquired by any one in any district as follows: First, by inhabiting the same for the space of one vear in discharging the duties of any office to which he has been legally chosen; Second, by paying his just share of the public taxes or levies for two successive years; Third, by taking a bona fide lease of any real estate of the yearly value of ten dollars. paying the rent of the same and dwelling thereon for the space of one year; Fourth, by becoming seized of real estate within the district and dwelling thereon for one whole year; Fifth, by an unmarried person without child, being hired as a servant within the district and continuing in the service for one whole year; Sixth, by an apprentice, legally bound and indentured and inhabiting the district with his master or mistress for the space of one whole year; Seventh, by a legally indentured imported servant from Europe, after serving for a period of sixty days in the district into which he shall first come, but, if serving afterward in another district, a service of twelve months shall be required; and, Eighth, by a mariner or other healthy person residing for the space of twelve months in the district in which he shall first locate. married woman during coverture shall be deemed to be settled where her husband was last settled.

^{1.} P. L., 1836, pp. 541-542. Purdon—Digest, Vol. II, pp. 1153-1154.

but if he had no settlement, then the place where she was last legally settled before her marriage. An illegitimate child shall be deemed to have a settlement where its mother was settled at the time of its birth. In case of the division of a township a person's settlement shall be in that township in whose territory he had acquired a settlement before the division was made. housekeeper who receives into his or her house a non-settled person, likely to become chargeable, is required to give notice thereof to the overseers of the district within ten days, and in case of failure to do so, he or she shall be obliged to provide for and maintain said person, if he or she becomes chargeable; and in case of his or her death defray the expenses of burial. In case of his or her refusal to pay the expenses thus necessitated the overseers shall assess the sum against the property of the offender and collect the same, if necessary, by warrant of distress and sale of goods and chattels and for the want thereof commit him or her to gaol until he or she shall pay the same or be discharged by an order of the court. Any person who brings or causes to be brought into the commonwealth from a place outside thereof any poor person who has no settlement therein and leaves or attempts to leave him or her, shall forfeit twenty-five dollars for every such offence to be sued for and recovered in the district in which the offence was committed and be obliged either to remove such person outside of the commonwealth or support him or her as the case may be.

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3. Removals and Appeals. Upon complaint made by the overseers to a magistrate of a county or a district, the said magistrate together with another magistrate thereof is authorized to issue a warrant directed to the overseers for the removal of a non-settled poor person to the place of his or her last legal settlement at its expense, unless he or she shall give sufficient security to indemnify the district in case he or she became chargeable, providing that thereby a wife does not become separated from her husband. The overseers or guardians of the district to which he or she is removed are required to receive him or her subject to a fine of twenty dollars for every offense to be recovered for the use of the poor of the district from which the removal was made. If any person feels aggrieved by such removal he is allowed an appeal to the court of quarter sessions of the county or district from which the removal was made providing the appellee gives reasonable notice thereof to the overseers. The court is to rectify and amend any error that may have occurred while the district accepting such pauper shall be liable for the costs and charges. If any magistrate refuses to grant an order for removal, the overseers are allowed an appeal to the court of quarter sessions for a hearing and determination. In order, however, to prevent vexatious removals and frivolous appeals, the court of quarter sessions is authorized to order to the party for whom the appeal shall be determined such costs and charges as shall seem reasonable and just to be paid by the overseers or

person against whom it shall be determined and, if the determination shall be in favor of the appellant, to award such sum as shall appear to have been reasonably paid between the time of the undue removal and the determination of the appeal together with the costs aforesaid. If any person other than the overseers aforesaid who is ordered to pay the costs and charges shall live outside of the jurisdiction of the court, any magistrate in the district in which such person shall reside, shall be required, on request made to him accompanied with a copy of the order, to issue his warrant to levy on and collect the same by distress and sale of goods and chattels and for the want of such commit such person to the common gaol without bail or main prize until he shall pay the same or be legally discharged by order of the said court. If the overseers, ordered to pay the costs and charges, and the township liable therefor, shall be outside of the jurisdiction of the court, the court of quarter sessions in whose jurisdiction it is situated, shall upon request made, accompanied with a copy of the order, compel payment thereof according to

4. Liability of Persons for the Support of Others. The father and grand-father, the mother and grand-mother and the children and grand-children, if of sufficient ability, shall be liable for the support of every poor person among them who is unable to work at a rate to be fixed by the court of quarter sessions under pain of forfeiting a sum not exceeding twenty dollars for every month's failure

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to be recovered by due process of law for the use of the poor. Any person who shall bring any black or colored indentured servant into this commonwealth, such person as well as the master of every slave, his or her heirs, executors, administrators and assigns, shall be liable respectively for any expense which the overseers may have to incur in case such servant or slave shall become chargeable, together with all costs and charges.(1)

5. Desertion. If a man deserts his wife or children without cause, or a woman her children, any two magistrates of the county or the district, on complaint made to them by the overseers in. whose district they become a charge, are authorized to issue their warrant to the overseers, authorizing them to seize so much of their goods and chattels and to receive so much of the rents and profits thereof as may be necessary to provide for the dependent wife and children, and for the want of any goods or chattels, to seize and bring him or her before the magistrates who shall require security for his or her appearance at the next court of quarter sessions, there to abide the order of said court; and for the want of the necessary security, commit him or her to the gaol of the county until the next sessions of the said court. On the return of the warrant to the court, it shall be lawful for the court to make an order for the payment of such sum or sums as it may deem reasonable and proper

^{1.} The war between the states, 1861-1865, annulled this provision.

and empower the overseers to dispose of the goods and chattels, or to collect the rents and profits thereof to an amount sufficient for the said purpose; and for the want of any estate, either real or personal, to commit the offender or offenders to gaol until he, she, or they shall comply therewith or be legally discharged. The latter part of this section was amended by the act of April Thirteenth, 1867, (1) as follows: the dependent wife or children are authorized to make affirmation before any alderman, justice of the peace, or magistrate who shall issue his warrant for the arrest of the person against whom the information was made and bind him over with sufficient security to appear at the next court of quarter sessions and there answer the charge of desertion. On the return of the warrant to the court with the proceedings had thereon, the court is authorized, if the person is of sufficient ability to pay, to make an order for the payment of such a sum as will afford a comfortable support for the said wife or children, not exceeding one hundred dollars per month and, in case of refusal, to commit the offender to prison until he shall comply If a deserter shall be found in any therewith. other county or district, he shall be extradited and returned to the place from which he deserted. In cases of desertion the wife shall be a competent witness against her husband. The supplementary act of April Fifteenth, 1869, (2) authorized courts to discharge deserters from prison at the expiration

^{1.} P. L., 1867, pp. 78-79.

^{2.} Ibid, 1869, p. 75. Also Purdon-Digest, Vol. II, p. 1159.

of three months, if they shall be satisfied of the deserters' inability to comply with their orders. At the same sessions of the legislature this general act with the necessary modifications was incorporated in a series of private acts in order to make it applicable to the counties of Lancaster, York, Erie, Crawford, Delaware, Potter, Lawrence and Luzerne.(1)

6. Duties of Overseers. In all cases where a nonsettled poor person falls sick or dies before he can be removed, the overseers are directed to notify the guardians or overseers of his place of last legal settlement and, if they refuse to support the said poor person, or to reimburse the district for the sum or sums necessarily spent for his relief, the court of quarter sessions on complaint made by the overseers of the district is authorized to compel payment of the debt by the refusing overseers or guardians in the manner directed by law. In any county or district in which a poor person becomes chargeable who is possessed of any real estate or personal property the overseers or directors are authorized to sue for and recover any and all such real estate and personal property, receive the rents and profits thereof, or dispose of the property and apply the proceeds thereof, or so much as may be necessary, to pay the expenses incurred and, if any balance remains, pay the same to his or her lawful heirs upon demand made therefor and security given to indemnify the directors or overseers from

^{1.} P. L., 1869, pp. 271 and 280.

the claims of all other persons. Directors of the poor in counties that have erected poor houses are required to prepare and publish an annual statement of receipts and expenditures together with a report of the inmates stating their age, sex and the nature of their infirmities and submit a copy thereof to the governor for transmission to the legisla-Any overseer or director who refuses or neglects to perform the duties legally enjoined upon him shall be deemed guilty of a misdemeanor and be punished by the imposition of a fine not exceeding one hundred dollars to be recovered by due process of law, if necessary. In all suits overseers and directors may plead the general issue while the plaintiff, in case of failure to prosecute a suit, or by its discontinuance or non-suit, becomes liable to double costs.

7. Vagrancy. The following described persons shall be liable to the penalties imposed upon vagrants: First, those persons who return to a district from which they were removed without bringing a certificate of residence from their place of last legal settlement; Second, those who have no visible means with which to maintain themselves and their families, live idly and refuse to work for the usual and customary wages paid in the district of their residence; Third, those who shall refuse to perform the work allotted to them by the overseers or the directors of the poor; Fourth, those who go from door to door, or frequent the streets and wander abroad begging; and, Fifth, those who go from one place to another, loitering therein, follow-

ing no labor, trade, occupation or business, having no visible means of subsistence and unable to give a leasonable account of themselves and their business.

8. Fines and Penalties. Justices of the peace. clerks of the courts and sheriffs on receiving any fines, penalties and forfeitures to be devoted wholly or in part for the use of the poor, are required to deliver a written notice to a constable, living in or near the township or district in which the fine was imposed, to deliver the same to one of the directors or overseers who is to demand payment of the same within twenty days and, if it is not paid, to recover it by due process of law. Any official who fails to comply with the above is subject to a fine of twenty dollars to be used for the poor and may also be adjudged guilty of a misdemeaner in office. If, after conviction, he refuses to deliver the same, the fine shall be double the amount so withheld. The fine for a constable who refuses to deliver a transcript is fixed at ten dollars while that of a sheriff is double the amount received by him. All fines, penalties and forfeitures authorized to be imposed under this act are recoverable by distress and sale of goods with the proviso that, if any one feels aggrieved thereby, he may take an appeal therefrom to the court of quarter sessions whose judgment shall be conclusive and final. In districts where there are no poor or where an unexpended balance remains in the hands of the overseers, the same shall be paid to the overseers or supervisors of the highways to be used by

them in repairing the highways unless the auditors shall deem it advisable and necessary to retain the whole or a part thereof in the poor fund. All laws altered, supplied or inconsistent with the provisions of this act are hereby repealed.

In comparing the provisions of this act with those of the Act of 1771 we find the following omissions: First, those relating to the methods of appointing the overseers; Second, those relating to revenue and finance; and, Third, those relating to gifts, grants, bequests and devises. The settlement provisions are simplified and the provisions relating to relief in general are greatly enlarged. In all other respects it follows chiefly the law of 1771 and thus perpetuates the English law.

Subsequent amendments materially altered some of its provisions. In 1857 an amendment was added which greatly enlarged the scope of section Twenty-eight by authorizing the "courts of quarter sessions in the several counties of this Commonwealth to hear, determine and make orders and decrees in all cases arising under," this section, "either upon the petition of the overseers of the poor, or of any other person or persons,"(1) irrespective of whether an order for relief has been obtained or no. An amendment passed in 1877 made it lawful for the directors of the poor of any county, or the overseers of any district to seize and lease for a term of years the real estate of any pauper, receive the rents, issues and profits thereof

^{1.} P. L., 1859, p. 191.

and with the same defray the expenses incurred in behalf of the said pauper, the remainder, if any, to be paid to his or her legal heirs on their giving proper indemnification for the same. The second section extended the provision to all leases made heretofore for a term not exceeding twenty years as well as to all subsequent ones.(1) Section seven of the act was amended in 1885 so as to allow the overseers of a district to contract with any person or persons for a house or lodging for keeping, maintaining and employing such poor persons as shall be adjudged proper subjects for relief and, with the approbation of the court of quarter sessions of the county, purchase such real estate as may be deemed necessary for the said purpose: and, if any person so adjudged shall refuse to be maintained and employed thus, relief shall be denied during such refusal.(2) A general amendment was added in 1897 which authorized directors of the poor in counties having county poor houses to execute contracts with overseers of districts not having such institutions for the keeping of their poor at a per capita rate not higher than their own.(3) The last amendment is that of April Sixth, 1905. This changed the settlement provisions of the sixteenth section as follows: "On complaint made by the overseers of any district, to one of the magistrates of the same county, it shall be lawful for the said magistrate, where any person

^{1.} P. L. 1877, p. 51.

^{2.} Ibid, 1885, p. 204.

^{3.} Ibid, 1897, p. 222.

has or is likely to become chargeable to such district into which he shall come, by his warrant or order, directed to such overseers, to remove such person, at the expense of the district, to the city, district or place, where he was last legally settled, whether in or out of Pennsylvania, unless such person shall give sufficient security to indemnify such district to which he is likely to become chargeable, as aforesaid."(1) The legislature in 1911 passed an act which provided that "directors or overseers of the poor of the several poor districts in each and every county of this Commonwealth shall be elected on the municipal election day and the directors and overseers so elected shall hold office for the term of four years beginning on the first Monday of January next after their election and until their successors shall be duly qualified."(2)

With the exception of the changes affected by the amendments noted, Pennsylvania's present poor law is substantially that of 1836. Its life has been longer than that of any previous one and for reasons stated in the appendix to the next chapter it appears that the lack of unity found everywhere in Pennsylvania's system will not be eliminated in the near future.

^{1.} P. L., 1905, p. 115.

^{2.} Bill No. 129, File of the House of Representatives, Session of 1911.

Chapter XI.

LEGISLATION SINCE 1874.

Legislation previous to 1874 was divergent instead of convergent. Nowhere do we find any evidence tending toward either uniformity in legislation or unity in administration. The word unification, it seems, did not exist in the vocabulary of poor relief legislation. Every county and district had its special law; Philadelphia had its own law; every borough and city charter contained provisions relating to the poor of the respective borroughs and cities, while the Law of 1836 served for the townships and other districts. The statute books from 1790 to 1874 are loaded down with these special acts and their amendments so that frequently it is well nigh impossible to determine what laws were really in force. The crying need, therefore, was not more law but uniformity in law and unity in the administrative system. Since 1867 a movement has been crystallizing looking toward the realization of these objects, and, though progress has been slow, yet substantial advancement has been achieved. This advancement will be discussed under the following five heads: First, the organization of the Board of Charities; Second, the new State Constitution; Third, the Uniform County Act and its amendments; Fourth, the Uniform General Relief Legislation; and, Fifth, the Report of the Poor Law Commission of 1890.

The Board of Public Charities.

The first resolution in the report of the commission appointed in 1821 to investigate the causes of poverty in Philadelphia recommended the passage of a law compelling managers of almshouses, guardians, overseers and directors of the poor to transmit annually to the Secretary of State a full account of the actual state of pauperism in their respective counties, townships and districts for transmission to the legislature for its information. (1) The Eighth section of the act of the Fifth of March, 1828, provided for the appointment of visitors to the poor of Philadelphia and its neighboring districts and townships.(2) The Apprentices' Library Conference of October Eighth, 1831, recommended that the city and the townships be divided into districts and a visitor appointed for each who was to visit the destitute and eliminate the unworthy.(3) In 1867 the legislature passed an act authorizing the governor to appoint a visitor to the "prisons and almshouses in the various counties," provided that no expense to the Commonwealth was entailed thereby.(4) The principles of the above recommendations and acts were realized in the creation of the State Board of Charities.

^{1.} Hazard—Register of Pennsylvania, Vol. II, No. 5, pp. 68-69.

^{2.} P. L. (Bioren) Vol. V, p. 38 et sequor.

^{3.} Hazard—Register of Pennsylvania, Vol. VIII, No. 18, pp. 284-285.

^{4.} P. L., 1867, p. 87.

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The act which created the State Board of Charities became a law, April Twenty-fourth, 1869.(1) The governor with the advice and consent of the senate was to appoint five commissioners who, with the General Agent and Secretary were to constitute the board with headquarters at the capitol. It was required to meet quarterly and empowered to appoint a general agent and secretary, also a corresponding secretary, if necessary, to adopt such rules and regulations as it deemed necessary, to inquire into and inspect all charitable and correctional institutions, but to receive no remuneration other than the necessary traveling expenses incurred in the discharge of official duties. The general agent and secretary is to serve three years, receive a salary of three thousand dollars and expenses, visit all institutions under the board at least once every year, examine all reports, keep correct records and tabulate and publish the same yearly. Annual reports are required from the managers of the institutions while all applications for state aid are to be directed to the general agent and secretary. The members of the board are forbidden to be interested either directly or indirectly in any matter pertaining to any institution.(2) The amendment of 1872 requires the institutions to keep records and make reports according to forms prescribed by the board and obtain its approval of their plans for buildings before they com-

^{1.} P. L., 1869, pp. 90-93.

^{2.} A special act passed in 1874 imposed the same prohibition on directors of the poor. See P. L., 1874, p. 180.

mence the erection thereof.(1) The next year the board was enlarged by the addition of two more members(2) and the year following empowered to appoint three or more persons to visit and inspect poor houses and other institutions. In 1883 it was again enlarged by the addition of three more members, one of whom was to be an attorney and one a physician and both to have a practice of ten years. The same act also required the board to appoint five of its members to constitute a committee on lunacy among which number shall be the two professional members.(3) This committee in 1889 was placed directly under the board of charities and made subject to its orders.(4) In 1907 the board was authorized to appoint competent persons to advise it in approving plans for buildings and alterations(5) while the next legislature appropriated two thousand five hundred dollars for the employment of the necessary architects and engineers.(6) (See Addenda for further amendment.)

The New State Constitution.

For nearly a century a system of private and special legislation had been in operation in Pennsylvania whereby different systems of laws were en-

- 1. P. L., 1872, pp. 42-43.
- 2. Ibid, 1873, pp. 68-69 and 1874, p. 119.
- 3. Ibid, 1883, pp. 21-22.
- 4. Ibid, 1889, p. 116.
- 5. Ibid, 1907, p. 540.
- 6. Ibid, 1909, p. 813.

acted for the respective counties, townships, boroughs and cities of the Commonwealth relating to roads, bridges, schools, elections, poor houses, etc., "which ought to be regulated by general laws operating uniformly upon all."(1) After laying down this fundamental statement in his message of 1871 to the legislature, Governor Geary further arraigned the evil declaring that "it is impossible for the citizens, judges of the courts, or members of the legal profession to acquire or retain an accurate knowledge of the varying systems of laws in their respective districts, and frequently on removal from one county to another our people find themselves under almost entirely different codes. cial legislation is the great and impure fountain of corruption, private speculations and the public wrongs. It has become a reproach to republican government and is one of the most alarming evils of the times. [udicious amendments to the constitution would arrest and destroy the growing evil; and it is the duty of every patriotic citizen to co-operate in all lawful measures to effect so desirable a consummation. *** Practically the whole theory of our constitution and government is subverted and destroyed by the present system of local enactments. Representative government is based on the idea that the laws shall be framed by and be the result of the collective wisdom of the peoples' representatives. But what are the actual

^{1.} Pennsylvania Archives, 4th series, Vol. VIII, pp. 1128-1130.

facts? The minds and efforts of the members are so wholly absorbed by private and local bills that it is almost impossible to get a general or public act considered or passed. The special and local bills are usually drawn by the members representing the locality, or by some one from the district interested in the proposed law. By what is called courtesy, it is considered a breach of etiquette for any member of the Senate or House to interfere with or oppose a merely private or local bill of any other member. The result is the bills are passed as originally prepared without examination or comparison of views, often crude and ill digested, and without regard to constitutional requirements or sound public policy. Some of the worst of these hasty and badly considered enactments are arrested every year by executive interposition; but in the nature of the case, the veto at best can only be made a partial restraint upon the evil, and nothing can eradicate it short of constitutional prohibition." (1) This arraignment of the system was followed by an earnest recommendation that provision be made for a convention to revise thoroughly the

In accordance with the governor's recommendation the legislature provided for the submission of the question of calling a constitutional convention to the electorate at the fall election of 1871. The

constitution of the state.

^{1.} Pennsylvania Archives, 4th series, Vol. VIII, p. 1129. Also Jenkins—Pennsylvania: Colonial and Federal, Vol. II, p. 452

result was an overwhelming majority for revision. At the October election in 1872 one hundred and thirty-three delegates were chosen who assembled in the State House in November following and after effecting an organization adjourned to meet in January next in Philadelphia where the draft of the new constitution was completed and submitted to the people. In spite of local prejudice and pride it was approved on December Sixteenth of that year by a two to one vote.(1) It went into effect in 1874 and is commonly known as the "Constitution of 1874." The Eighth section of the Third article provides that "no local or special bill shall be passed unless notice of the intention to apply there for shall have been published in the locality where the matter or thing to be affected may be situated. which notice shall be at least thirty days prior to the introduction into the general assembly of such bills, and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the general assembly before such act shall be passed."(2) While this is no absolute prohibition, yet it is so to all practical purposes and intents. Such local legislation as was then in force was not disturbed, but in the future all legislation must apply to the state as a whole. The impossibility of enacting special county acts and other poor relief measures necessitated the passage of the Uniform County Act of 1876.

^{1.} Jenkins-Pennsylvania: Colonial and Federal. Vol. II, p. 453.

^{2.} Poore-Charters and Constitutions, pt. II, p. 1575.

The Uniform County Act and Its Amendments.

The purpose of the act is set forth in its preamble which declares, that, "It is the duty of society to make provision for the comfortable maintenance of those upon whom fortune has not frowned who are found to be destitute and void of the means of support; therefore, be it enacted, etc.,*** That the county commissioners of the several counties of the commonwealth,"(1) with the approval of the court of quarter sessions shall purchase and take conveyance of such real estate as may be necessary for the proper mainteance and support of the poor of the county and certify the same to the clerk of the courts. They shall also include the annual estimate of the directors for maintenance in the annual assessment or county levy, receive suggestions from the directors as to any alterations and improvements, make such as they deem necessary, executing a loan for the payment of either the property or the improvements equal to three-fourths of the value of the said property and be required to keep separate accounts of the "Home for the Destitute," to be audited by the auditors along with their other accounts and published in their annual statement. If for any cause the commissioners shall see fit not to comply with the requirements of this act, any four townships may join together and proceed, through commissioners appointed by the overseers of the poor, to procure real estate according to the manner and for the

^{1.} P. L., 1876, p. 149.

purpose aforesaid and constitute themselves a poor district to be governed by the provisions of this act the same as county poor houses.

The qualified electors of the county shall elect three reputable citizens on the rotation principle to be directors of the "Home for the Destitute" of said county, who after having taken the customary oath, shall be in name and fact "a body politic and corporate in law to all intents and purposes whatsoever, *****and shall have perpetual succession," with all the rights and privileges of corporations under the name and style of "The Directors of the Home for the Destitute of the-"." The said board of directors shall be the custodians of all property both real and personal, obtained either by purchase, gift or bequest, and be invested with the right to dispose of the same, if deemed advisable, for the comfort of the inmates. They shall also provide for the maintenance and employment of the poor, appoint the necessary officers and attendants, bind out poor children as apprentices within the limits of the state, make an annual estimate of the cost of maintenance for the commissioners, receive and employ all indigent persons having a legal settlement who are committed on an order from two justices of the peace, administer relief to any person in need of assistance or per. mit him or her to be maintained elsewhere at a rate no higher than in the home, make and ordain all such needful rules, regulations and ordinances as may be necessary for the government of the home, not repugnant to the constitution and laws of the state or of the United States and subject to the approval of the court of quarter sessions, hold monthly meetings to consider its needs and necessities and receive a stipend of not less than one hundred dollars per year.

As soon as the buildings shall be erected and made ready for the reception of inmates, notice shall be given to the overseers of the respective districts to transfer their poor to the "Home for the Destitute," unless prevented by sickness in which case they shall be supported at their homes until they can be removed. After the poor shall have been transferred, outstanding accounts settled and the unexpended balance together with all the uncollected taxes levied for the support of the poor in the several districts in the said county paid to the supervisors of the highways of the townships for the repair of the highways and in the boroughs to the treasurers of the boroughs for borough purposes, the office of overseer of the poor shall cease within the poor district thus created.

Fines, forfeitures and bequests for the use of the poor shall be paid to the County Treasurer for the use of the home. Vacancies in the board of directors shall be filled by appointment by the court of quarter sessions until the next election when the electorate shall choose a director for the unexpired term. The judges of the courts and the ministers of the gospel are made ex-officio visitors to the home with power to inspect and examine every part and phase of its management. Its provisions do not apply to any county or district that already

supports a poor house under a special law, nor to any county or district unless the voters thereof accept it at any regular or special election. In any county whose population exceeds fifty thousand and its area six hundred square miles two homes for the destitute may be erected and maintained. (1)

The provisions of this act were materially altered by the supplementary acts of 1877, 1878 and 1879. By the act of 1877 the first section is amended so as to require approval of a proposition to purchase real estate for the accommodation of the poor not only by the court of quarter sessions but also by two successive grand juries, or at the discretion of the court, by the electorate at a general election before the commissioners shall take conveyance therefor. An additional proviso required a population of sixty thousand and an area of six hundred square miles before the directors of any county should erect and maintain two homes for the destitute. (2)

The supplementary act of 1878 relates to the improvement of the internal conditions of the homes and provides for the introduction of appliances for promoting the health, cleanliness and comfort of the inmates and for the inauguration of a more efficient system of administration. The board of directors, hereafter, was to consist of five reputable citizens chosen for a term of two years and required to perform all the duties heretofore performed by

^{1.} P. L., 1876, pp. 149-153.

^{2.} Ibid, 1877, pp. 40-42.

the old boards. At their first regular meeting the county or district shall be divided into five sections, as nearly equal as possible, and one of their number assigned to each and given general oversight over all cases of destitution arising therein. They were also to appoint a person of good moral character, well acquainted with the rules of hygiene and possessing excellent business qualifications, as steward and general superintendent of the home, a competent physician and surgeon who is a graduate of an authorized school of medicine and surgery and establish a dispensary for the benefit of the inmates. The steward was required to keep careful and accurate accounts of everything pertaining to the home, without allowing any drawbacks or rebates, which shall always be open for inspection by the taxpayers while the physician was to direct the dispensary and prescribe the necessary sanitary regulations to be enforced by the directors. The salaries of the directors were graded according to the population of counties and poor districts and varied from one hundred to two hundred and fifty dollars per annum with no allowance whatever for traveling expenses. second, third, sixth, tenth and eleventh sections of the act of 1876 were repealed as well as all other laws inconsistent with it while counties and districts maintaining poor houses under special acts were exempted from its provisions.(1)

The supplementary law of 1879 is practically a

^{1.} P. L., 1878, pp. 63-65.

new law with some radical changes which require notice. The first section designates the county as the unit for poor relief, "each county***is hereby created a district to be known****County Poor District."(1) The third section forbids County Commissioners to purchase any real estate for the accommodation of the poor unless requested by petition from 'two-thirds of the overseers of the poor then in office within the district,"(2) and then only after the same shall have been submitted by order of the court of quarter sessions of the county to the electorate at a regular or a special election and approved by a majority thereof. If it were defeated, it could be re-submitted every second year. Section six places the control, management and direction of the property as well as all poor relief matters under the commissioners who are to appoint a superintendent of grounds and buildings, a physician and other necessary employees and perform all the duties prescribed in the original bill for the directors of the poor. Section twenty exempts an incorporated city and its territory situated in any county from its provisions as well as any county or district that maintains a poor house under a special

By the provisions of the supplementary act of 1878 (4) boards of directors were to consist of five

^{1.} P. L., 1879, p. 78.

^{2.} Ibid. An amendment was passed in 1891 reducing the number to a bare majority.

^{3.} Ibid, 1879, pp. 78-82.

^{4.} Ibid, 1878, pp. 63-65.

reputable citizens chosen for a term of two years. The amendatory act of 1909 provides that "whenever any county had provided for the erection of a home for the destitute***the qualified electors*** shall elect***three reputable citizens***to be directors of the home of the destitute,"(1) of the said county, who shall have charge thereof and of the poor placed therein. No elector shall vote for more than two candidates and the three candidates receiving the highest number of votes shall constitute the board and serve for a term of three years. A new board shall be chosen every third year.(2) Another act passed the same year regraded the salaries of directors ranging them from a minimum of one thousand to a maximum of two thousand five hundred dollars according to the population of the county. It also authorized the directors to employ an attorney at a rate of compensation not exceeding one hundred dollars per month.(3) Elections to vacancies in a board caused by death, resignation or otherwise were to be for the unexpired term only as already provided for by the act of 1885.(4)

Uniform General Relief Legislation.

According to the provisions of the act of 1905(5) a settlement may be acquired in any poor district

^{1.} P. L., 1909, p. 287.

^{2.} Ibid.

^{3.} Ibid, 1909, p. 382.

^{4.} Ibid, 1885, p. 163.

^{5.} Ibid, 1905, pp. 112-114.

by any person, married or single, who shall come to inhabit therein bona fide and continue to reside for one whole year. Persons born in a place, whether legitimate or illegitimate, shall be deemed to be settled there, unless the persons in whose charge they are shall be settled elsewhere. Children shall have the same settlement as their parents, or stepparents having their custody, until they attain the age of sixteen years. In case a non-settled poor person applies for relief the directors or poor law officers are required to notify the directors or poor law officers of his place of last legal settlement of the facts in the case and from the time of such notification the latter shall be responsible for the charges incurred; and, in case of their refusal to recognize the same, the county court may compel payment thereof together with all the costs including those for removal, with the privilege, however, of an appeal to an appellate court, if they feel aggrieved. The husband and the wife, the father, the mother and the children respectively of every poor person, if of sufficient ability, shall at their own expense, relieve such poor person at a rate to be fixed by the court of quarter sessions of the county where such poor person resides on pain of forfeiting a sum not exceeding twenty dollars for every month they shall fail therein, to be levied by process of said court and applied for the relief of said poor person. Directors and poor law officers are required to set forth under oath to the court the necessary facts in such cases.(1) This amend-

^{1.} P. L., 1905, pp. 112-114.

ment not only simplifies and makes uniform but also modifies the corresponding sections of the law of 1836 so as to bring it in harmony with modern social progress.

Previous to this, two acts had been passed which materially modified the law of settlement and the administration of relief. The former became a law in 1876 and provided that whenever any poor person, not in the place where he usually lives, or where he is legally settled, desires to return thereto, but is minus the means to do so, he may apply to any director, guardian, overseer or commissioner, who is to employ or let out such poor person to labor at a suitable place at such wages as he may deem proper and when a sufficient sum has been earned, supplement it, if necessary, by an appropriation from the treasury of the county, city, township, or district, provided that the expense shall not exceed twenty dollars.(1) The latter became a law in 1893 and was re-enacted with some changes in 1903. It requires directors and overseers of the poor of the several poor districts in counties which do not maintain poor or almshouses to provide all needy, sick, injured and indigent persons in these several districts with the necessary support, shelter, medicine, medical attendance, nursing and in case of death, burial, irrespective of whether such person or persons had a legal settlement in the district or no. Whenever the legal settlement of such person is unknown or

^{1.} P. L., 1876, pp. 155-156.

is outside of the Commonwealth, the county shall bear the expense and the overseers be entitled to an action of assumpsit in a civil case for the sum or sums thus expended.(1) In case a removal is ordered where the person's place of legal settlement is known five days' notice to the officers of the district to be affected is required.(2) The object of the latter, undoubtedly, was to eliminate the excessive litigation engaged in by townships and small poor districts on the question of the legal settlement of indigent persons. Often it extended over considerable periods of time while the needy suffered and frequently more was thus spent than for the relief of the poor, even on cases that never became chargeable.(3)

A few additional general relief measures passed during this period deserve notice. The first of these is an act passed in 1879 which allowed directors and overseers at their own discretion to grant relief or admit indigent persons to the poor house without the customary order or certificate from a justice of the peace or an alderman of a city.(4) Two acts passed in 1887 and 1889 respectively authorized the directors or overseers of any county, township or district to take possession by legal process of the property of any poor or insane poor person or persons who may become chargeable and

^{1.} P. L., 1893, pp. 328-329, and 1903, p. 18.

^{2.} Ibid, 1897, p. 63.

^{3.} Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents, 1891, Document No. 30, Vol. VIII.

^{4.} P. L., 1879, p. 59.

apply the same to meet the expenses incurred, returning the remainder, if any, to their legal heirs upon their giving security to indemnify the directors or overseers from the claims of all other persons. (1) In accordance with the provisions of an act passed in 1909 any poor district which has erected and furnished a hospital for the insane on plans and specifications approved by the Board of Charities shall be entitled to receive the same allowance for the care and treatment of indigent insane as is paid by the Commonwealth to state hospitals. (2)

Every county and every district act, the acts relating to Philadelphia and the Law of 1836, all provided for the binding out or apprenticing of all children of poor parents who became chargeable. Frequently, however, considerable time elapsed before suitable homes could be found, during which time they were cared for in the respective poor

- 1. P. L., 1887, pp. 202-203; 1889, pp. 201-202.
- 2. Ibid, 1909, pp. 533-534. The State Legislature at its session of 1911 appropriated \$3,443,966.76 to care for the indigent insane in county and local institutions and State and semi-State hospitals. Poor districts were also authorized to acquire lands and erect and equip hospitals for them. Schuylkill County secured an amendment to its act of 1831 governing its new hospital. (1) Poor officers and commissioners were also empowered to make such appropriations as they deemed advisable to private charitable corporations to care for the injured poor as well as to sanatoriums for the treatment of indigent residents afflicted with tuberculosis. (See Bills Nos. 966, 967, 968, 13, 233 and 247, legislative session, 1911.)
 - 1. See Addenda.

houses along with the adult paupers. For the eliminination of the detrimental and demoralizing effects of such association, a law was enacted in 1883 which made it unlawful for the overseers, guardians or directors of the poor to receive into or retain in any almshouse any child between the ages of two and sixteen years unless it be "an unteachable idiot, an epileptic, or paralytic, or otherwise so disabled or deformed as to render it incapable of labor or service,"(1) and required them to place them in some respectable family in the state, or in some educational institution, or home for children. It also made it lawful for any county, or two or more counties acting together, to establish and maintain an industrial home for the care and training of children, but such homes must be located at some remote distance from any poor house, disconnected therefrom and under separate management. (2) In 1907 another act in behalf of indigent and dependent children became a law in which provision is made for placing them, by orders of courts, in families for their maintenance and education at the expense of the county and at a rate not exceeding the cost in a home of refuge. Should the parents of such children become able to pay the costs of maintenance or to refund the same, the courts are authorized to make orders and enforce payment thereof after the manner provided by law in such

^{1.} P. I., 1884, p. 111.

^{2.} Ibid. Up to 1912 only two counties have built such homes. In 1911 the proposal to build was defeated in Chester and Delaware Counties.

cases.(1) Thus was made possible the education and training of children away from the deleterious influences of personal contact with the desocializing elements in general pauper institutions, being required to be placed in wholesome surroundings whose tendencies give every inspiration to independency and self-support.

In the charters granted from time to time to cities and boroughs, provisions were inserted relating to the care and maintenance of the poor that are as variant as the general and special relief legislation. These were also participants in the amending process. Three acts passed respectively in 1881,(2) 1883(3) and 1903(4) contain general regulations for the election of overseers of the poor. Two persons are to be elected in every borough, ward and township within this Commonwealth to serve therein as overseers of the poor excepting, however, those counties and districts which maintain poor houses managed by directors elected for that purpose. The act of 1903 contains a clause which provides that "one of said overseers of the poor may be a female."(5) The office of director of the poor was abolished in cities of the second class by the Act of 1891.(6)

The act classifying the cities of the Common-

^{1.} P. L., 1907, pp. 331-332.

^{2.} Ibid, 1881, pp. 120-121.

^{3.} Ibid, 1883, p. 66.

^{4.} Ibid, 1903, p. 247.

^{5.} Ibid.

^{6.} Ibid, 1891, p. 310.

wealth into three classes was signed by the governor on the Twenty-third of May, 1874.(1) 1889 (2) an act passed by the legislature provided for the creation of departments of charities in cities of the Third Class which "shall have the care, management, administration and supervision of the charities, almshouses, poor houses and the relief of the poor of said city, subject, however, to the control of the councils,"(3) together with power to prescribe such a form of government and regulation thereof as may be deemed advisable and necessary.(4) Other acts provided for the sale of poor houses and sites; for the purchase of other sites and the erection of buildings; (5) for the purchase of sites and the erection of buildings outside of the corporate limits of a city(6) and for the appropriation and use of poor house properties for park purposes, (7) all, however, to be subject to the approval of the city councils. These acts authorize cities to locate their charitable institutions at suitable places, removed from the noises and commotions incident to large cities and where the benefits of pure air and quiet and comfortable surroundings can be obtained for their indigent and helpless poor.

^{1.} P. L., 1874, pp. 230-270.

^{2.} Ibid, 1889, pp. 192-193.

^{3.} Ibid.

^{4.} Ibid.

^{5.} Ibid, 1887, pp. 75-76, and 263; 1903, p. 118, and 317.

^{6.} Ibid, 1907, pp. 12-13.

^{7.} Ibid, 1903, pp. 316-317; 1909, pp. 459-460.

The Poor Law Commission of 1890.

Our examination of the poor relief legislation since 1867 shows that while progress toward uniformity has been made, yet it was rather toward administration than law. The special county and district acts remained intact in the main and so far as they were affected by the general measures it was only in their minor parts. General acts always contained exemption clauses in their favor. Consequently, in 1889 the acts on the statute books relating to poor relief in Pennsylvania had increased considerably since the adoption of the new constitution with no possibility of any cessation so long as the old acts remained in force and general new ones applied only to those cities, townships and districts that had not yet adopted the time honored institutional system of poor relief—the county or district poor house.

In 1889 Governor Beaver in his bi-ennial message to the legislature, after calling attention to the need of certain reform legislation, stated that, "Demand is also made officially, by the Association of Poor Directors of the State and privately, by many localities and individuals, for a revision of our Poor Laws. We have no general system for the care of and provision for our poor. The laws upon this subject should, also, be thoroughly revised and codified."(1) In compliance with the Governor's recommendation and the general demand of the

^{1.} Pennsylvania Archives, 4th series, Vol. X, pp. 708-709.

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investigation and exami
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persons under oath, on all
relief, with power to con
and testify.(1)

The commission(2) as ap or began its work in the fa and sent a questionaire of o questions to directors and accompanied with a letter c structions and a request that for be entered in and the clerk as early as possible. (table of all poor relief a Some time was also spent in of witnesses in the followi Stroudsburg, Lancaster, S

P. L., 1889, p, 140.
 The Governor appointed the stitute the Co

February, 1890, while the commission was taking testimony in the West Branch Valley the Monthly Register reported the chairman, Mr. Lewis Pughe of Scranton, as saying "that among the several hundred 'poor districts' in the state some are still operating under laws passed prior to the Revolution;" while in some counties "they auction off the paupers to the lowest bidders."(1) The testimony taken revealed the existence of some startling practices and facts relating to poor relief in the townships and small districts. Large sums had been wasted in fruitless efforts to determine questions of settlement and responsibility for paupers; frequently, as much, if not more, than for relief.(2)

The commission submitted its report to the legislature at its sessions in 1891 together with the bill which the act creating it required. The report stated that prior to the adoption of the present state constitution seventy-eight special poor law districts, composed of counties, cities, boroughs, townships and unions or combinations of several different divisions, had been created and that about three hundred and twenty-one acts relating thereto passed. Seventy-one of the seventy-eight were then maintaining poor houses of which thirty-seven were county institutions while thirty-four belonged to minor divisions. The area of these

^{1.} The Monthly Register, Vol. XI, No. 4, p. 26, February, 1890.

^{2.} Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents 1891, Vol. VII, Document No. 30, pp. 75-109.

and differences tion and the commissio effort to pass a gener repeal of these special l (1) The obstacles were "In addition to the $\mathbf{s}_{\mathbf{j}}$ referred to above," con commission, "there sho fact that about four hund were erected under speci three thousand five hund

oughs were authorized 1 poor, who were made col instances given special pri sibility of reconciling this fication must be apparent. therefore, devoted its atten parative study of poor reliei vania and other states and (a general bill as "nearly a m tremes which now exist as through the introduction of ; whole state*** will graduall

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to them.

ment and correction of the general law and the voluntary repeal of the local laws now in force. We are at a loss to see how, in any other way, uniformity in the character and administration of the poor laws of the State of Pennsylvania can be brought about."(1)

The act which the commission prepared contained forty-six sections. The first ten sections provided for the organization of a new department to be known as a "Department of Poor Law Administration." The Governor, with the advice and consent of two-thirds of all the members of the Senate, was to appoint a commissioner to be the head of the department, to serve for four years, receive a salary of four thousand dollars per annum and be officially known as "The Poor Law Commissioner of Pennsylvania." His office was to be at the capitol and he was to have power to control the administration of relief throughout the state in accordance with this law and the local laws then in force; to issue orders, rules and regulations for the poor, the government of the institutions, the custody, maintenance and training of poor children, the guidance and control of directors and the examining and allowing of accounts; to make contracts according to this law; to rescind or alter any rule or regulation, but have no power to grant relief in any individual case; to summon, require at-

^{1.} Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents, 1891, Vol. VIII, Document No. 30, p. 3.

.... to provide a se rules and regulation: department to the gc and such inspectors assist him in his exec move at his discretio to summon and exam. papers, etc., inspect amine the inmates, re and see that all orders obeyed and enforced. nesses and wilful refus to produce books, pape etc., when requested 1 inspector was to be dee: conviction thereof be s ing two hundred dollar not exceeding six mon tion of the court. same fees as for attendi

Each county was to t three directors on the r known as "Directors of They were to be bodie all the rights and privileges of corporations. For the purchase of land for the purpose of executing this act the County Commissioners and a resident judge of the Court of Quarter Sessions were to be joined with the directors to constitute a board with the judge as its president. Plans and specifications for altering or enlarging old buildings or erecting new ones were to be submitted to the Poor Law Commissioner for his approval and not accepted finally without it.(1)

The provisions relating to settlement, general relief and employment, care for poor children and the non-settled, desertion, attachment of paupers' properties and discipline of paupers are chiefly compilations of the more recent legislation on these topics.(2) Section Thirty-two provided that whenever any person shall bring a poor person into this Commonwealth, or from one place to another therein where he was not last legally settled and there leave, or attempt to leave him with the intent to relieve himself or some other place of his maintenance, he shall forfeit the sum of one hundred dollars and be liable for all costs and charges of maintenance and removal to be recovered by the directors by due process of law.(3) Paupers who left the poor house without a proper discharge were to

^{1.} Ibid, pp. 53-55.

^{2.} Ibid, pp. 56-61.

^{3,} Ibid, p. 57.

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be regarded as vagrants.(1) No director was to be concerned either directly or indirectly in any contract for supplies for the poor or for the erection, alteration or improvement of buildings; any violations thereof were to be punished by the imposition of a fine of five hundred dollars and removal from office. The last section provided for the repeal of not less than thirty-four acts among which were those of 1771, 1803, 1836, 1876, 1877, 1878 and 1879.(2)

The bill was introduced into both the House and the Senate and received some consideration in each. When it came up in the House for second reading further consideration was postponed and there is no record on the Journal that it was called up again. (3) The Senate advanced it to third reading when further consideration was also postponed. Its Journal likewise has no record that consideration was again resumed (4) and evidently it expired in a legislative pigeon hole.

Thus perished the last effort to secure a general poor relief measure for securing uniformity in the character and administration of the poor laws of Pennsylvania. It embodied the results of extended

- 1. Report of the Poor Law Commission of 1890, Pennsylvania Executive Documents, 1891, Vol. VIII, Document No. 30, p. 61.
 - 2. Ibid, pp. 62-65.
- 3. House Journal, 1891, p. 714. Also Legislative Record for March 13th and 23d.
- 4. Senate Journal, 1891, pp. 300, 503 and 959. Also Legislative Record for March 15th and April 21 and 22.

and exhaustive re-search and investigation as well as the legal wisdom of eminent and representative men of the commonwealth, but familiarity with the operation of local laws, satisfaction with existing measures and special privileges granted by local enactments together with a fair measure of local pride and prejudice, all combined, prevented agreement on a general bill of exceptional merit,

KEVENU

The revenue legislatic auguration of the count Chapter VI. Marked c levying and collecting p from time to time and th supplemented by priva cussion of the revenue leg leads us through a period in which it grew to be a and wealthy in the uni growth and development crease in poverty that den and larger appropriations available only by a revis acts for raising adequate ience of examination we follows; (1) provisions rela sions relating to counties, (3) provisions relating to sa seated lands; (4)general p (5) provisions relating to 1 feitures.

system is distinct and separate from the county and district systems which exist elsewhere in the state. The act of March Twenty-ninth, 1803, provided in section five that the managers having obtained the approbation of four aldermen of the city and any two justices of the districts, "to make and levy a rate of assessment not exceeding one hundred cents in the one hundred dollars at any one time upon the value of all real and personal estate within the said city, district and township respectively, and not more than three dollars per head on every freeman not otherwise rated for his estate in every one hundred cent tax, and so on in proportion for any lesser rate on the county assessment of the city. district and township aforesaid."(1) In levying the aforesaid rates the managers and guardians were to be guided by the county assessment and required to enter the same carefully in a book of which a duplicate was to be delivered to the aldermen and justices for allowance or disallowance, without any fee or reward whatever.(2) If allowed, the rates were to be open to the public for inspection while the managers were authorized to employ fit persons, residents of the city, districts and township, as collectors with proper guarantee and security. The collectors were empowered to demand the said rates and levies so imposed, and in case of neglect or failure to pay the same, to collect them by distress and sale of goods and chattels. A treasurer was also to be appointed by

^{1.} P. L. (Bioren) Vol. IV, p, 53.

^{2,} Įbid.

the guardians from their own number to whom all the moneys thus collected were to be paid promptly and who was to disburse the same only upon orders authorized by the guardians. The provisions in former revenue laws for the repetition of this rate as often in a year as was deemed necessary and for the imprisonment of the poor taxpayer who had no goods or chattels to be distrained and sold were eliminated.

The above provisions, however, were inadequate to meet the extraordinary demands of the disordered social conditions which prevailed previous to 1830. Consequently the act of March fifth, 1828, supplementing that of 1803, provided for the appointment of twelve persons to constitute a board under the name and style of "The Directors of the Poor Tax," which was to meet annually at the almshouse or at such other place as might be designated by the guardians and receive the latter's estimate of the probable amount required for the relief, support and employment of the poor for the current year. The Directors of the Poor Tax were then required to lay such a rate of assessment, based on the county assessment, as may be necessary, not exceeding fifty cents on the one hundred dollars at any one time, upon the value of all the real and personal estate within the said city, district and township respectively and one dollar per head on every freeman not otherwise rated in every fifty cent tax.(1) The repetition and imprisonment

^{1.} P. L., 1828 (Keefe) Vol. II, p. 164 et sequor.

clauses were again omitted, the rate reduced onehalf and the head tax one-third, due, no doubt, to an existing belief that the new social legislation would hereafter decrease the demands on the poor funds. The Act of 1850 repealed the provision for the appointment of special collectors of the poor tax and authorized the collectors of the city taxes to collect also the poor tax; requiring them, however to give security approved by the guardians.(1)

The fourth section of the act of 1800 authorized the managers for the relief of the poor of Germantown to appoint collectors of the poor tax for that township(2) which undoubtedly had been levied and assessed according to the general poor law of the state. The collectors were given power to compel payment by distress and sale of goods, if necessary. The act of 1873 made the tax due on January First of every year and allowed such a discount on all taxes paid before the First of July and imposed such a penalty on all unpaid ones as the managers might deem advisable not exceeding, however, two mills on the dollar. All taxes not paid by January Thirty-first following the year of assessment were to be registered, liens filed against the real estate on which they were assessed and power given to sue for and collect the same according to the laws for the collection of delinquent taxes.(3)

Oxford and Lower Dublin Townships were erected into a poor district in 1807 and empowered

^{1.} P. L., 1850, p. 775.

^{2.} Ibid, 1809 (Bioren) Vol. V, pp. 50-53.

^{3.} Ibid, 1873, p. 272.

to purchase land and erect thereon the necessary buildings for the accommodation of their poor. In this bill which created this district was a provision for levying and assessing a rate "not exceeding seventy-five cents in every hundred dollars upon the value of all real and personal estate within the said townships(1) to be laid and collected as provided for in the act of 1803 for the city of Philadelphia. On every duplicate, however, a certain portion of the assessed taxes remains unpaid and is marked uncollectible. All such taxes the directors were authorized by an act passed in 1859 to record in a register similar to the registry of taxes in the city of Philadelphia and at the expiration of five years to sue for the same in the manner provided for in the act consolidating the city and its supplements.(2) The act of 1871 made unpaid taxes a lien on the real estate against which they were levied to be sued for and collected by due process of law with five per cent added to cover the costs of the legal proceedings over and above the regular commission of the collectors. A collector of delinquent taxes was to be appointed with the same powers and rights as the collector of delinquent taxes for the city of Philadelphia.(3) In the neighboring township of Bristol the act of 1823 fixed the rate of assessment at fifty cents on every one hundred dollars value on all real and personal estates within the

^{1.} P. L., 1807 (Bioren) Vol. IV, pp. 445 et sequor.

^{2.} Ibid, 1859, p. 226.

³ Ibid, 1871, pp. 1249-1250.

said township and five dollars per head on every freeman and tradesman not otherwise rated; to be levied on the basis of the county assessment; to be entered in a book and a collector appointed to collect the same according to the manner provided by law for the collection of poor taxes. (1)

In West Philadelphia the borough council was invested with power to levy and collect a tax for the poor and pay the same to the overseers in such sums as they deemed advisable.(2) In Blockley township the overseers of the poor were required to make an estimate of the sum needed for the support of the poor for the current year and place the same in the hands of the auditors for approval. If approved, it was to be submitted to the commissioners who were to levy the same, authorize its collection through their regular collector on such security as they deemed advisable and pay the sums thus collected to the overseers for the purpose aforesaid.(3) Between the years 1818 and 1825 a series of acts was passed imposing taxes on dogs for damages caused by them in Philadelphia County of which the unclaimed portion was to be paid to the overseers of the respective poor districts for the use of the poor.(4) All unclaimed jurors'

^{1.} P. L., 1823 (Kay and Bioren) Vol. VIII, p. 69.

^{2.} Ibid, 1845, p. 96.

^{3.} Ibid, 1845, p. 132.

^{4.} Ibid, 1818 (Bioren) Vol. VII, p. 117; 1821, p. 363; 1823 (Vol. VIII) p. 30; 1825, pp. 471-472; 1824, p. 346; 1828 (Keefe) Vol. II, p. 334. Also 1820 (Bioren) Vol. VII, p. 333.

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thereof to satisfy the same.(4)

The financial legislation of t to cities and boroughs was in a t More and more it imposes upon cial officials the duty of levying poor taxes, enabling the directo agers or guardians to devote t the care of the poor. Changes poor relief greatly increased the officials so that the transfer

way to improve the efficiency of the service. Maximum and minimum rates also disappeared as well as repetitions thereof as often as it was deemed necessary; their place being taken by estimates from poor officials to be raised by the commissioners and disbursed through the city or borough treasurers.

Provisions Relating to Counties, Districts and Townships.

In the forty odd county acts the directors are authorized to present estimates of the probable expense, not only for the purchase of sites and the erection of buildings, but also for maintenance, to the county commissioners who are to include the same in the county assessment. The county treasurer is usually made the disbursing officer of the poor tax and required to keep separate accounts thereof in books provided for that purpose. annual statement of all receipts and expenditures is to be published either by the directors, the commissioners, the treasurer, or the county auditors. or all combined. In counties where the directors are required to levy and assess the tax, the county commissioners are required to furnish them with a copy of the last adjusted valuation of all taxable property in the county on which a tax not exceeding five mills on the dollar may be levied for the maintenance of the almshouse, a certified copy of which was to be filed with the commissioners for file in the prothonotary's office.(1) The maximum rate of

1. P. L., 1852, pp. 285-286; 1872, pp. 929-930.

and ten as a maximum.

In those counties wherein townships was organized into commissioners either added county tax for the townships c and collected and paid it to th or else furnished the director last adjusted valuation of ta which they might levy and as: power to collect the same.(1) economic depression or other u as wars and natural convulsions purchase of lands and the erecti poor purposes, it was made la assess special or additional tax ten mills on the dollar to me (2) In the smaller boroughs charged with the duty of levying poor tax through the collector of after the manner provided for taxes for other purposes.(3) Ta estate in pursuance of the acts 1 the levying of such taxes are to lien against the same and collect with the near-iempt from taxation because they are not operated for the benefit of the corporation,(1) but an act passed in 1849 for the benefit of Schuylkill County subjected its poor house to taxation for state and road purposes.(2) Some of the acts provide for separate boards of auditors while others impose the duty upon the regular chosen county boards.(3) All, however, require the publication of an annual statement of receipts and expenditures.

Provisions Relating to the Sale of Seated and Unseated Lands.

These can be separated into two groups, those relating to lands and property in the possession of the corporation and those relating to unseated(4) lands for the recovery of unpaid taxes. Lands received by gift, bequest or devise, if not located within convenient distance of the poor house, were usually authorized by special acts to be sold and the proceeds thereof applied for the benefit of the poor in such manner as the directors deemed best, unless otherwise specified.(5) In the purchase of land for the use of the poor large tracts were fre-

- 1. P. L., 1873, p. 65.
- 2. Ibid, 1849, p. 599.
- 3. Ibid, 1862, pp. 55-56; 1830, pp. 190-191.
- 4. Seated lands are settled, inhabited and cultivated, while unseated are uninhabited, unsettled and uncultivated.
 - 5. P. L., 1852, p. 344.

quently purchased far in excess of the needs of the respective county, city or district so as to make a profitable use thereof impossible. Consequently other special acts authorized the sale of the unused portions and the application of the proceeds for the benefit of the institution.(1) Other acts authorized directors of the respective counties where the almshouse lands contained valuable natural resources to lease such lands on such terms as may be advantageous to the county or the poor corporation controlling them.(2) Paupers who become chargeable in any county, township or city and own lands or other property, the directors or overseers are empowered to sue for the possession of such lands or other property, collect any money due and recover any other property belonging to such person or persons and use the same in defraying the expense of their keeping. If, after their admission or death, such property or money due shall be discovered, it is to be recovered in the same way, and in either case any unexpended balances shall be paid to the legal heirs on their giving "sufficient security to indemnify such overseers or directors from the claims of all other persons."(3) Directors and overseers who failed to settle their accounts or misappropriated the funds entrusted to them were prosecuted according to law and the amounts recovered from them and their sureties. (4)

^{1.} P. L., 1835, p. 166.

^{2.} Ibid, 1895, p. 299.

^{3.} Ibid, 1819 (Bioren) Vol. VII, p. 206.

^{4.} Ibid, 1845, pp. 316-317; 1855, pp. 414-415.

In the mountainous districts of the state are many large areas of land which in matters relating to taxation are rated as unseated. From time to time the counties and districts in which they are situated secured the passage of acts empowering their directors or overseers to levy and assess taxes thereon for the use of the poor, usually at the same rate per centum as on other lands.(1) In some cases however, the rate was not to exceed one per centum per anum on the assessed valuation.(2) In 1874 after the new constitution had gone into effect a general law was passed which provided "that unseated lands shall and may be assessed" for poor purposes in the manner provided for the assessment of poor taxes on other real estate.(3) For the collection of these taxes in all cases where the owners of the lands refused to pay them voluntarily, a series of enactments was passed empowering directors, overseers or collectors of poor taxes for the respective counties and districts to certify the same to the commissioners of the respective counties who are to enforce collection thereof is as directed by law for the collection of county taxes on unseated lands and pay the sums thus collected to the directors or overseers of the respective county or district for the use of the poor.(4)

^{1.} P. L., 1870, p. 707; 1873, pp. 263 and 240; also 637-638.

^{2.} Ibid, 1867, pp. 204-205.

^{3.} Ibid, 1874, pp. 155-156.

^{4.} Ibid, 1874, pp. 155-156.

General Provisions Since 1874.

These also group themselves into two groups those relating to cities and those relating to counties and districts. In cities where the taxes are collected through a central board the treasurer is required to set apart from the daily receipts such sums as may be applicable to the relief and support of the poor in the proportion which the appropriation bears to the aggregate amount appropriated by the city councils and no part of such money is to be used for any other purpose whatsoever.(1)
The Board of Revision of Taxes for the city and county of Philadelphia was authorized in 1878 to include the poor tax for the township of Roxborough, which was and still is a separate poor district, in the original duplicates and triplicates of properties to be taxed.(2) The next year cities of the Fifth Class, according to the act classifying the cities of the state, were given authority to levy and collect taxes for the support and maintenance of their poor at a rate not exceeding ten mills on the dollar in any one year on all the real, personal and mixed property within their limits and taxable according to the laws of the state. (3) Ten years later substantially the same power was conferred on boards of charities in cities of the Third Class.(4)

^{1.} P. L., 1878, p. 182.

^{2.} Ibid, p. 53.

^{3.} Ibid, 1879, p. 65.

^{4.} Ibid, 1889, p. 193.

A provision contained in many special acts requires county commissioners to furnish directors and overseers of the poor of any county or district, for the levying and assessing of poor taxes, with copies of the latest adjusted valuation of all property, subjects and things made taxable by law for state and county purposes. This provision was finally incorporated in a general act and made applicable to the entire state. (1) To make the amounts levied and assessed for poor purposes under the various laws of the commonwealth available as speedily as possible collectors are required to make monthly returns of the amounts collected to the commissioners of the counties and to the proper officials in townships, districts and cities and pay the same to the treasurers or other officials authorized to receive it.(2) In 1895 an act was passed which bestowed upon collectors the right to levy and collect poor taxes by distress and sale of goods whenever and wherever it was necessary.(3)

Provisions Relating to Fines, Forfeitures and Penalties.

Every county, district, township and city act provided a series of fines, forfeitures and penalties either for refusal to serve or for negligence in the discharge of official duties. (4) The impositions

- 1. P. L., 1881, p. 75.
- 2. Ibid, 1891, pp. 212-213; 1901, p. 580.
- 3. Ibid, 1895, p. 111.
- 4. Ibid, 1803 (Bioren) Vol. IV, p. 51; 1873, p. 840.

varied from ten to one hundred dollars and were to be for the use of the poor of the respective districts. (1) In addition to these were the impositions for violations and infractions of other laws of the Commonwealth. (2) In 1867 the legislature passed a statute which requires the officials of the respective counties, townships, districts and cities who receive such fines, forfeitures and penalties to pay them promptly to the directors, guardians or overseers of the county, township, district or city in which the offense was committed except such portions as were payable to the prosecutors of the offenders. (3)

A cursory glance over the above convinces even the most skeptical that in the revenue legislation since 1798 there is no more uniformity nor unity than in that for general poor relief. The more recent acts enlarged considerably the number of objects subject to taxation for poor purposes. The "other things" added to lands and persons furnish a more sure and firm source of revenue by taxation than could be realized from the latter alone. Again the utilization of the regular county, city and district officials in levying and collecting poor taxes instead of appointing special persons has proportionately lessened the expenses heretofore incurred. In this, administration has made material progress and increased its efficiency. So long, however, as

^{1.} P. L., 1803, (Bioren) Vol. IV, p. 51; 1873, p. 40.

^{2.} P. L., 1798, (Bioren) Vol. III, p. 325.

^{3.} P. L., 1867, p. 95.

counties, districts and cities are unwilling to give up their special laws and privileges unification and unity in poor relief legislation is practically impossible.

CONCLUSION.

The background of Pennsylvania's poor law, like so many other American institutions, is contained in the legislation of Edward VI and Elizabeth. When the Delaware region passed into the hands of the Duke of York the Swedish and Dutch institutions and laws were superseded by the English. In the English system the parish was the unit for the relief of the poor and its administration was entrusted to the vestry. When the "Great Law" was adopted for the territory of Penn, the township was substituted for the parish and entrusted with the duty of relieving the needy and distressed and regulating the relations of masters and servants. Following the first influx of Quakers after the restoration of the province to Penn in 1696, various minor changes were effected from year to year until 1705 when the first general poor law was enacted. It retained the township as the administrative unit but greatly restricted the granting of relief. From 1709 to 1829 is the period of the first great wave of German immigration. When it was at its height and social conditions badly disordered the first general settlement act became a law in 1718,(1) with the hope of solving

^{1.} At the opening of the century a law was placed on the statute books relating to the settlement of servants which appears to have sufficed for all practical purposes until the passage of the general settlement act in 1718.

a pressing need. The social disorders continued and, coupled with corruption that crept into the administration, they broke down the old laws, necessitating the passage of the Act of 1735. This was far more rigid and drastic than any previous one and with some amendments added in 1749 it remained the poor law until 1771.

The first institutional relief was inaugurated by the Quakers in 1713 when they built a few small houses on a lot donated by one of their members. It was located on Walnut Street between Third and Fourth. The large front building was not completed until 1729. The first municipal almshouse was authorized in 1729 and opened for the reception of inmates in 1731. It was located on the square bounded by Spruce, Pine, Third and Fourth Streets and called "The Almshouse down Fourth Street." In 1751 the Pennsylvania Hospital was founded in the same city and proved markedly successful. This inspired a number of public spirited citizens to plan a similar system for the relief of the destitute. In 1766 they secured the passage of a law creating a quasi public system of poor relief for the city. At first the movement was somewhat unsteady but from 1769 to 1777 it proved fairly successful. The war crippled it and in 1782 the legislature came to its relief and provided for its continuance under the overseers or guardians of the poor.

From 1729 to the Revolution immigration into Pennsylvania was unusually heavy with the result that the older institutions were rapidly outgrown. Consequently in 1771 a new law was passed, largely English in character and quite similar to the 43d Elizabeth. The township under charge of overseers was continued but the settlement provisions were considerably narrowed and restricted. It was renewed immediately after the Declaration of Independence and remained in force until 1836.

Between the years 1790 and 1800 a series of epidemics seriously disturbed social and economic conditions not only in Philadelphia but also throughout a considerable portion of the state. Since 1749 the process of breaking up the immense counties into smaller ones had been going on while population increased rapidly and pushed into the new and unoccupied parts. With these changes came the establishment of the institutional system by the respective counties. The first to introduce it were the counties of Lancaster and Chester in the year 1798 which marks the beginning of the transition from the township to the county system. County Poor Directors were to be chosen, poor houses authorized to be erected and the overseers of the poor in the respective townships required to transfer the poor in their charge to the institution and wind up their affairs. This act became the model for all subsequent ones. The system did not attain the success anticipated as it early became a fruitful field for political jobbery.

The Wyoming Valley was settled by Connecticut Yankees who brought with them the New England Town. Attachment to this plan of local government barred the county system but in place

thereof they developed a new scheme whereby a certain number of contiguous townships together with the boroughs and cities situated within them formed themselves into a poor district and erected a house for the maintenance and support of their poor. The first of the districts thus created was the Pittston District in 1857. The others followed during the next decade. They are characterized by homogeneity of population and similarity of relief problems. All the acts which authorized the creation of these districts and the erection of houses for the poor were modelled after those of the counties but with a minutiæ of detail relating to administration impossible of embodiment in the county acts.

The rapid increase of pauperism in Philadelphia from 1700 to 1800, due to the awful ravages of yellow fever, necessitated the passage of the act of 1803 which provided for a new board of guardians. created a board of almshouse managers and improved the revenue system. The War of 1812 together with the westward movement of population and its replacement in the coast cities by foreign immigrants, the evils of the system of imprisonment for debt and social disorders caused pauperism to increase with an alarming rapidity, so that early in the Twenties a commission was appointed to investigate the causes of this increase and report the result of its findings to the governor for transmission to the legislature. This report became the basis for the act of 1828 which really was an amendment to the act of 1803. It authorized the creation of a board of directors of the poor tax and a corps of visitors to the poor. In 1832 Blockley Almshouse was established and in 1854 by the Act of Incorporation and the next few years following all of the outlying townships and districts were merged with it except Germantown, Roxborough, Oxford and Lower Dublin. The Bullitt Bill which provided a new form of government for the city became a law in 1885 and (as amended in 1903) placed poor relief in Philadelphia under the control of the "Board of Public Health and Charities."

The conditions which in 1828 necessitated the passage of the amended act for Philadelphia also forced a revision of the Law of 1771 for the state at large. This was accomplished in 1836 and has been known ever since as the "Law of 1836," Pennsylvania's present poor law. Its settlement provisions were modified materially by the amendments of 1895 and 1905 respectively. It is essentially English in character and not drawn in accordance with American ideals and practices but revision at present seems to be impossible.

In 1867 began the movement for a state board of charities which culminated in 1869 by the creation of such a board. From time to time the act creating it was amended and the powers and duties of the board enlarged. For nearly a century a system of private and special legislation prevailed in Pennsylvania that resulted in a perfect wilderness of statutes on matters relating to counties, districts, townships, boroughs and cities that ought to have been regulated by general laws operating uniform-

ly upon all. In 1871 Governor Geary severely arraigned the system in his annual message and recommended that a convention be called to revise the constitution and remedy the evil. During the next two years revision was effected and the revised constitution put in effect in 1874. It practically forbade private and special legislation but did not repeal that which was then in force. To it amendments can be made, and by complying with constitutional provisions and the use of the classificatory system in relation to cities, boroughs, counties, districts and townships special and private legislation can still be obtained. After the adoption of the new constitution a general county act was passed, which, with a number of amendments, has remained in force to the present. 1800 on the recommendation of Governor Beaver the legislature authorized him to appoint a commission to codify Pennsylvania's poor law. It devoted nearly two years to an investigation and examination of poor relief legislation and administration but found the task of codification impossible because of the wilderness of special and private or local legislation and the charter privileges of boroughs and cities relating to poor relief matters. Its report to the legislature contained a new uniform bill which made the county the unit for poor relief administration and authorized the appointment of a State Commissioner to supervise the general administration of relief throughout the state. The bill failed to pass, and it marks the last attempt to secure unity in Pennsylvania's poor law.

familiarity with local add and prejudice coupled with and no doubt will continue for improvement and efficie



ADDENDA.

During the sessions of the Legislature of 1911 twenty bills affecting the Poor Law of the state. were introduced. Of this number two failed to pass: the one providing for the repeal of the Act of March 22, 1850, for the erection of a poor house for Mercer County and the one which authorized the payment of the expenses of county poor directors when compelled to travel outside of the county in discharge of their official duties. Five provided for the repeal of those sections of the special acts of 1806, 1836, 1838, 1867 and 1873 that fixed the salaries and the mileage of the directors of the poor for the County of Dauphin. (1) Three were appropriation measures, the first one of which appropriated \$1,000,000 for the maintenance of the indigent insane in the State and semi-State hospitals for the insane of the Commonwealth for the two years ending May 31, 1913; the second, \$1,000,000 for the care, treatment and maintenance of the indigent insane in county and local institutions for the same period, and the third, \$543,966.76 to cover deficiencies incurred in the care, treatment and maintenance of the indigent insane from June 1, 1909 to May 31, 1911. (2) Six dealt with matters of Poor Relief Administration. (1) Fixing and regulating

^{1.} P. L., 1911, pp. 173-175.

^{2.} See volume of Appropriation Acts for 1911.

Coal Field District, c its respective sub-div ter Sessions of Carbo the supervision and placed with authority new or additional build ing the time for the e. seers of the poor of the Commonwealth and ex now in office that expir-Monday of January in (4) Empowering the Cou county to appoint a boar and settle the accounts of tricts composed of mor trict situated wholly wit a county, having a popu hundred and fifty thousa hundred thousand.(4) of the supplement to th erection of a poor house Barre, approved June 10 the appointment of an

oughs of over eighteen thousand population when such boroughs have been incorporated out of a part of any township or townships, constituting a part of the Central Poor District of Luzerne County by the Court of Quarter Sessions of said county.

(1) (6) Amending the Acts of 1857, 1881 and 1897 relating to the Pittston Poor District so as to allow the expenditure of \$12,500 annually for the relief of paupers not residing in the almshouse instead of \$5,000 as provided in the previous acts.(2)

Five dealt with matters regarding the care, treatment and relief of the indigent sick and the burial of the deceased. Poor districts are authorized to acquire lands and thereon erect, supply and equip hospitals for the treatment of indigent persons afflicted with tuberculosis with a provision for the payment of a per capita sum by the state for patients treated therein.(3) Authority is conferred upon commissioners of the respective counties of the Commonwealth to appropriate money for the maintenance of such indigent residents thereof as may be patients in the sanitarium of any society within the county incorporated for the treatment of tuberculosis. (4) The officials of the several poor districts of the Commonwealth are given power to appropriate money at their discretion to corporations organized for the purpose of assisting, reliev-

^{1.} P. L., 1911, pp. 877-878.

^{2.} Ibid, pp. 171-172.

^{3.} Ibid, p. 1111.

^{4.} Ibid, p. 623.

ships of the second class tricts, to care for and mafor profit or gain and c for interment without chacemeteries are not unde vision of any denominati sectarian society."(3)

The purpose of the above of deficiencies in the adulaws of the state. Construade and the law remain clusion above.

The facilities for the proof the insane in and for the its poor house had been in in consequence of which the erect a large and commod county farm. The Act of the erection of a house fo support of the poor of the cion for the care of the ins modern and advanced meth pliance with the provisions

1874, (1) notice was given that an amendment would be presented to the next legislature creating a "Board of Trustees of the Insane, for and in the County of Schuylkill together with provisions for its Governance and Maintenance."

The Court of Common Pleas of the County of Schuylkill shall appoint five persons, 'who shall be known as trustees of the insane and in the county of Schuylkill;"(2) one from each for the First, Second and Third Legislative Districts and two from the Fourth of which number not more than three shall be from the majority political party, and appointment made triennially on the rotation principle after the expiration of their initial terms. They shall take the oath subscribed to by the directors of the poor for the faithful performance of their duties and he subject to the same penalties as other officers for negligence or non-performance of their official obligations; shall elect a president, also a secretary, who may be a clerk otherwise employed in the insane asylum; three members shall constitute a quorum and no business shall be transacted unless a quorum is actually present; shall meet once a month at the asylum and serve without compensation; shall appoint a physician as superintendent and also such male and female physicians as may be deemed advisable in accordance with the laws governing State Insane Asylums, subject to confirmation by the Court of Common Pleas of the county, and also such subordinates as may be

^{1.} See Poore, Charters and Constitutions, Part II, p. 1575.

^{2.} P. L., 1911, p. 15.

ary of each year, who, o the same in his estimate of the current year, and ord pay all bills approved by a Asylum and the President tees, attested by the Secretarrants.

Hereafter any person bec kill County shall be admit cordance with the acts of force for the admission and tients into and from state i expense charged against the properly approved bills by the county treasurer counter er. The trustees shall inq condition of every insane have the right to appoint for agents as they deem advisat er to recover in the manner 1 recovery of debts, any or all for the care and maintenanc committed to the asylum. governoWhen the Legislature of 1913 (1) opened its sessions, the Republican Party which had been supreme in Pennsylvania politics for more than half a century was split into two factions each of which had a legislative program. The Progressive faction dominated the Republican State Convention and adopted during its sitting a resolution creating an "Executive and Legislative Committee" of nine, "with the power to add," six persons, "who may or may not be members of this convention," to draft certain reform bills among which was to be one, "creating a Department of Public Charities, with full control, in order that the State's appropriations may be equitably and economically distributed and institutions receiving State aid may always be open to the unfortunate." The committee met at different times and places during the closing months of the year 1912 and prepared the respective bills which were introduced soon after the Legislature met in its regular Biennial Session in January following. The bill creating the "Department of Public Charities" provided for a centralized administrative body with powers and duties far in excess of those possessed by the old board. The department was to consist of a "Commissioner, to be known as 'The Commissioner of Charity,' an advisory board, to be known as 'The State Board of Charities,' and other officers, agents and committees as hereinafter provided," and to

^{1.} Since the remainder of the Addenda was prepared from advance copies of the Pamphlet Laws for 1913, it is impossible to give references thereto.

monwealth. The Legisla trolled by the Administrat so had a program of reforn quently, the Progressive's ment of Charities' was nev committee stage.

The Administration programent to strengthen and imments, instead of abolishing ones and since its control oplete the amendment program.

The Act of the twenty-fourthousand eight hundred and set the Board of Public Charitiamended in the fourth, fifth, tions, "so as to confer additice said board, and extend itsed upensation of the secretary and The fourth section as amendatary and general agent to vitory as well as charitable and tions and increases his annual three thousand dollars."

clerks, stenographers and other employees of all kinds as the business of the Board of Public Charities and that of the Committee on Lunacy may require." "Whenever, upon examination of any jail, prison, penitentiary, or almshouse, any condition shall be found to exist therein which, in the opinion of said commissioners, is unlawful or detrimental to the proper maintenance, discipline and hygienic conditions of such institution, or to the proper care, maintenance, and custody of the inmates therein," they shall have power to make such recommendations to the authorities in charge of said institution, as they deem necessary to rectify the objectionable conditions, and, if they shall fail to comply therewith, or attempt to comply in a manner satisfactory to the commissioners within ninety days from the date of notice, the facts in the case together with the recommendations shall be certified by the commissioners to the District Attorney of the proper county who shall proceed by indictment or otherwise to remedy the objectionable conditions. Section eight as amended requires the annual reports from charitable, reformatory and correctional institutions to be made hereafter to the commissioners upon such forms and in such manner as they may prescribe on or before the first day of September of each year, with a proviso authorizing the imposition of a penalty of one hundred dollars upon any institution which neglects or refuses, "to make the report required by this act, or otherwise required by law," to be sued for and collected by the General Agent in the

system." Section nine a commissioners instead of the carefully into the ground a stitution asking for State matters connected therewis

The "Mother Pension Bi or's approval on the twe provides for monthly pays trustees, to widowed, in mothers for the partial su in their own homes; such p. the will of the trustees, but which the law permits a ch ment. It is applicable to Commonwealth that desire its provisions. The Gover appoint annually not less tl seven women, residents of avail itself of the benefits whose hands the administrat county is entrusted. They without pay, but are permit eling expenses incurred in: of anni: "

apportioned according to the population of the respective counties. Two hundred thousand dollars is appropriated to carry the provisions of the act into effect with the proviso, however, that no county shall receive its allotment in any way whatever, unless the government of said county has provided an equal amount. No payment shall be made, nor shall the trustees recommend any payment whatever, until a thorough investigation proves that the applicant is worthy, and then only upon satisfactory evidence from the teacher of the district school that the child or children, if of legal age and physically able, are attending the school; the maximum amounts allowed range from twelve dollars per month for one child to twenty-six dollars for three and five dollars per month for each additional child. Only mothers who have been continuous residents of the county in which they apply for three years are eligible and anyone securing an allowance not entitled thereto shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, as the court may decide. Four copies of the results of the trustees' investigation of each application for the payment of pensions under the act must be made, one for the files of the office of the trustees, one for the juvenile court, or the orphans' court in counties that have no juvenile court, one for a warrant for the Auditor General and one for the county treasurer; the last two shall be sworn to by the investigator and approved by at least a majority of the trustees. A detailed shall be made by Assembly at the oper sion.(1)

The usual number special phases of reli place on the statute bc important subjects of commissioners and po having a population of fifty thousand with an three hundred dollars fo after county poorhouses shall be erected, "to pur maintenance of the inm and award the same 1 bidder, taking his bond the faithful performance viding for the imposition dollars, or imprisonmen violations of the statute; responsible for the cost of children placed in charş families by the courts o proving the am

The state of the s

deaths, burials and removal permits to be presented immediately for registration; empowering the overseers of the poor of any two or more districts, in any county not having a poorhouse, with the approval of the court, to unite in the leasing or purchase of real estate and erection of buildings for the care and employment of the poor of such districts; changing and fixing the terms of managers of the poor in incorporated poor districts in which their number is eight or nine; requiring all goods made by the inmates of any institution for dependents to be stamped by the individual stamp of the institution and regulating the sale of such goods, and making the real estate of any pauper liable for the expense of his support and the money or other property of a deserting husband for the support of his wife and children.

Seven hundred and twenty thousand dollars were appropriated to cover the deficiency incurred in the care, treatment and maintenance of the indigent insane during the five years beginning May 31, 1909, and the usual subsidies granted for the benefit of semi-public and private charitable institutions.

Provision was also made for three commissions that are to formulate plans and provisions for inaugurating the new work in charities which is characterized as, "the most important in Pennsylvania in a generation in the line of caring for public charges." The first is to select a site for the village for feeble minded women; the second, to provide for the construction and opening of a

"State Industrial Home for Women," and the third, to select a site and arrange for the construction of the "State Home for Inebriates." With these must be placed the Ely Joint Resolution which authorizes the appointment of a commission "to make a complete investigation of the question of the care, education and support by this Commonwealth of those who are by accident, misfortune, sickness or disease, dependent upon the generosity of the citizens of Pennsylvania. After such investigation and study, the commission shall present to the Governor its report in writing, setting forth a comprehensive plan for the care, support or education of such dependents, with such recommendations and suggestions as to the commission shall seem proper. The report shall be made before the first day of September, one thousand nine hundred and fourteen."

Fifteen thousand dollars were appropriated to carry out the purposes of the resolution, which the Governor reduced to ten thousand on its approval.

—(Joint Resolution, No. 765.)

The legislation of the last two Biennial sessions made little material advance toward uniformity of law and unity of administration. The amendments to the act creating the Board of Public Charities are insufficient because they apply only to certain classes of institutions instead of to all public charitable institutions as well as those receiving subsidies from the State. The value and effectiveness of the "Mother Pension Bill" depend upon the efficiency of its administrative machinery. The

past biennium has been marked by a deep interest in and extensive study of the problems involved in the care and maintenance of the dependent, the defective and the delinquent classes. Its continuation along wise and sound constructive lines, seeking truth, not destructive criticism, will result in good and usher in the long looked for improved system at an early day.

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Note.—This index was prepared by Miss Alice E. Roche, a former pupil of the author at Peirce School, Philadelphia, Pa.

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